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### Report on the Analysis of Governance Theory and the Practice of Participation of CSOs in Research Governance

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**CIVIL SOCIETY  
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***Report on the Analysis of Governance Theory  
and the Practice of Participation of CSOs in  
Research Governance***

CONSIDER Project  
(GA number 288928)

Deliverable D3.2  
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## Executive Summary

As stated in the DOW, the objective of WP3 is to build on the scientific results of WPs 1 and 2, in order to develop a model of CSO participation in research. It will assess the appropriateness and identify gaps and limits in current CSO governance theory and practice in line with the normative framing as developed in WP 1, and will be related to some empirical findings of WP2. As for D2.3, this means: to the extent that they are available in interpreted fashion at the moment of writing. The aim of WP3 in general is to develop a theoretically sound and – in principle – empirically supported model of CSO participation, which will be critically analysed, exploring its assumptions and limitations. As Deliverable 3.1 already made a first embryonic step to synthesise the normative approach and the empirical-analytical data analysis of the project, in view, in the long run, of a soundly-based picture of the present state of the art regarding CSO involvement, Deliverable 3.2 will go one step further in terms of attempting to exemplify the convergence of normative background and empirical analysis. An obvious constraint here is the fact that there is, as yet, and due to a delay in the case study analysis process, no *final* interpretive synthesis of the empirical data is available. Even though the nature of this deliverable will therefore not be primarily empirical, it nevertheless aims to make maximum use of the empirical findings currently available and interpreted in accordance with the Analytical Grid as foreseen in D1.4.

Consequently, the respective grids as developed in Deliverables 1.3 and 3.1, as well as the general normative and methodological framing as elaborated in WP1, will be further developed and, to the extent possible, applied to the practices identified in WP2, i.e. validated against selected case studies and in view of model building. The appropriateness and gaps in existing theories will be assessed, and an analysis will be conducted of the practical role of theory in participation practices, in an attempt to align the impact of participation with the approaches and methods employed. It is expected that practical applications can be categorised in terms of the existing theories even if there is no explicit theory underlying instances of practical participation (i.e. if these are based on non-scientifically based concepts of participation). Unavoidably, every account of the perceived function of CSO participation and what is accordingly expected from them (and by them), will have to include an account of the *meaning* this functioning has for the actors involved and so will have to take into account the central issue of *framing*, as so-called ‘facts’ never speak for themselves and are by implication embedded in *perspectives* and broader *narratives*, both from the point of view of the actors being studied and related to the impossibility of axiological neutrality of any scientific investigation.<sup>1</sup>

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<sup>1</sup> Cf. e.g.: Rorty, R. (1999). *Philosophy and Social Hope*. London: Penguin Books; Rorty, R. (1979). *Philosophy and the Mirror of Nature*. Princeton: Princeton University Press. See also T. Kuhn, P. Feyerabend and W.V. Quine.



The development of syntheses, models and guidelines will be an iterative process. The starting point will be an assessment of the appropriateness and an identification of gaps and limits in current CSO governance theory as explored and elaborated in WP1, in the context of which the Analytical Grid can be seen as a diagnostic tool. In this regard, the characterisation of the case studies in line with the parameters of the Analytical Grid constitutes the basis for an appropriate diagnostic tool as well as a ground for model building. The model will involve critical variables identified in WP1 and use these to analyse the empirical results from WP2 (as indicated: insofar as they are available), with the aim of identifying matches and mismatches between theory and (CSO) participatory practice.

The critical variables are important parameters relevant to assessing CSO participation, i.e. those variables that are likely to form the basis of the assessment of the adequacy of current practices in light of the theoretical bases they are (explicitly or implicitly) founded upon: the selection of research topics; decision-making on research directions; the actual development of research and the extent to which CSOs are involved in different stages of the research project; the participation type (active involvement from an early stage onwards, consultation, providing expertise, etc.); the treatment and appreciation of knowledge gained through participation; content and focus of the consultation; form and organisational constellation of governance; the actual topic of the project concerned, etc. Parameters, in this regard, have two main functions: 1) to structure the problem, and 2) to serve as a means of analysis.

Therefore, while this deliverable will analyse theoretical and practical issues related to CSO participation in research governance, and in principle should provide a further refinement of the convergence of theoretical grounding and empirical data analysis, it also attempts to *overcome* approaches which reduce participation to mere auto-justification or a sort of alibi. As such, the fact that there is CSO participation in research governance, does not give the outcomes of the research process any legitimisation, since it is crucial that attention is being paid to the *meaning* and the *effectiveness* of the participation (as perceived and enacted by the respective stakeholders). This implies that participatory practices should not be seen as a way to *resolve* a problem, but equally as a way to *justify* the problem and its resolution, which automatically raises the question of normativity and norms, and how this translates into parameters of analysis and the most crucial variables to be taken into account. For this reason, the deliverable will put a strong emphasis on the development of an adequate way to assess CSO participation in research design and research governance, in the perspective of which we aim to elaborate the necessity of a *diagnostic tool*. This diagnostic approach departs from the main limits and gaps in current governance approaches, in order to finally come up with a sound (both theoretically and empirically-based) methodological and analytical anchorage, which is required to develop models of governance of CSO involvement that indicate ways to overcome the problematic aspects and blockages in contemporary practice in this

regard on a European level, and accordingly to come up with guidelines and policy recommendations that are pertinent and relevant for the research community, policy and decision-makers, CSOs and research funders (cf. Horizon 2020).

In different steps, in Deliverable 3.2 we will elaborate how, taking as a point of departure the core elements of the problematisation and taking into account the main analytical variables developed so far, we can gradually build a proper assessment and diagnostic tool that allows to detect limits, gaps and blind spots in current practices in order to overcome them and relate them to model building. At the same time, this deliverable is an attempt to bring in line and coherence the different disciplinary angles of the respective consortium members, as this seems crucial in order to be able to produce recommendations and policy guidelines that are based on a solid ground.



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# 1 Introduction

In view of the characteristics of complex modern societies and how they relate to tasks it sets for governance in general (cf. Deliverable 1.2), and the corresponding need to determine the limitations of current governance approaches with regard to the participation of CSO in research governance, it is crucial to investigate the enactment of norms in context and how the legitimation and application of norms is construed in CSO participation. These limitations have previously been described as consisting of mentalist, schematising and intentionalist presuppositions (see also sections 3.4, 4.3 and 6.3), as well as in terms of the conflation of standards of justification and application of norms and the one-dimensional employment of reason.

The roots of these limitations are based in a narrowly construed, unquestioned notion of *framing* and *context* and a conflation of *justificatory* (cf. argumentation) and *applicability* (cf. motivation) standards. Against the background of overcoming a solely or overly rationalistic or proceduralistic approach to CSO involvement, and given the key role of *motivation* and *effective commitment* in the context of CSO participation, we have to account for a number of limits commonly observable on the side of scientists and (academic or other) ‘experts’, representative of the traditional top-down approach. Two of these limits can be described as: 1) a common absence in the scientific community in terms of being able to give an account of *real life situations* of CSO participation, and, relatedly, 2) a lack of awareness of actual *structures* and *conditions* that *allow for* effective participation. In this context, it is key to analyse the extent to which CSOs have influence on the actual decision-making process, going beyond just ‘having a voice’ besides other voices, and not being in the position to actually bring something new, i.e. being involved as a central actor in the very design of the project at an initial stage.

Accordingly, the construction or enabling of a participatory process can hardly be conceived as a ‘natural’ process, and there are serious issues to be dealt with in terms of the capacitation of actors and the selection of CSOs and on which grounds.<sup>2</sup> A simple illustrative scheme in this regard is the following: if you opt primarily or only for specialists or ‘experts’, you might lose the democratic character of the process. Expertise, be it philosophical or empirical-scientific, as the main source of normativity, means that democracy is confiscated, as representation of the people is diminished or absent. It should be obvious, by the way, that science is, almost by definition, non-democratic in nature. On the other hand, if you reduce your selection approach to democratic representativity as the sole criterion, you run the danger of losing the expertise of experts.

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<sup>2</sup> See also: Gaudin, J.-P. (2013). *La démocratie participative*. Paris: Armand Colin, p. 82.



Obviously, this is only one way of putting it. These kinds of issues emerge in different forms in different contexts. An example which can be related to CONSIDER, is the analysis by Peter Willetts of the Cardoso Report on the UN<sup>3</sup>, in which he describes three normative arguments for enhancing NGO participation in policy-making: the functionalist appeal of the use of expertise, the corporatist desire to involve the affected interests, and the pluralist belief in democratic policy-making. He makes the point that, while all these arguments are present in the report, they cannot be conceived to be compatible, as “the only morally sound and politically feasible basis for legitimising wider NGO participation in the UN system is the democratic claim for all voices to be heard in global debates”<sup>4</sup>. Another confusion consists of the lack of consistency about what constitutes civil society, against the background of which, according to Willetts, “the Panel failed to recognisethe complexity, the diversity, and the divided nature of civil society”<sup>5</sup>. In addition, it is not clear what the UN means by an NGO.

One of Willetts’ main conclusions is that, in order for a system to be democratic (cf. democratic pluralism),

- 1) there must be transparent decision-making requirements,
- 2) there must be procedures for diverse opinions to be expressed to the decision-makers, and
- 3) there must be accountability for the decisions taken: “In principle democracy is about the rights of individuals to control those who govern them, but in practice most individuals can exercise influence only through groups. When there is a great diversity of groups, each exercising some influence, and policy proposals can be initiated by their members, we have democratic pluralism.”<sup>6</sup>

These criteria evoke the fact that in every process involving CSOs, there will always be a problem related to decision-making as related to (‘political’) representativity, or put differently: how can you assess the representativeness of the CSOs involved? In line with the fact that this presents serious challenges in terms of the way in which certain CSO partners or stakeholders are selected, or not, this question of representativeness is essentially related to the way in which, or the extent to which, CSO involvement in research governance departs from a *grounded* approach. Therefore, every analysis of ‘theory and practice issues related to CSO participation in research governance’ (cf. DOW, p. 11), has to start with a theoretical clarification in view of a distinct and clear problematisation which provides the basis for the grounding of the normative approach – in order to adequately address the research problem, the participatory process, and the methodological trajectory and

<sup>3</sup>Willetts, P. (2006). ‘The Cardoso Report on the UN and civil society: functionalism, global corporatism, or global democracy?’, 1 July 2006, *Global Governance*, ISSN: 1075-2846.

<sup>4</sup>*Idem*, 2.

<sup>5</sup>*Idem*.

<sup>6</sup>*Idem*, 8.



convergence of the research process.

Departing from that, we will clarify in more detail how the Analytical Grid can essentially be deployed as a diagnostic tool in view of application to the case studies, and how we can then move on to a more general diagnostic related to the uses and perceptions of participation and deliberation and the constraints at stake in CSO involvement in research. This will lead to suggestions for overcoming the diagnosed gaps and limits in view of a critique of rationalistic reductionism and the corresponding presuppositions at play concerning the adoption of norms. This process can also be considered as a search for a kind of reflexivity which takes into account the context in which governance arrangements are embedded and as a consequence can do justice to the textured and value-laden reality which surrounds and goes beyond its own functioning as a subsystem in terms of CSO representation in a broader stakeholder-led research dynamic.

Put simply, this reflexivity concerns at least three basic dimensions that should be the object of future analysis, interpretation and related policy guidelines and recommendations within the CONSIDER project:

- 1) **CSO identities** (as well as those of other stakeholders and the potentially conflicting expectations, self-interests and normative horizons that are constitutive elements of processes of identificational 'bordering' and 'othering', and the related self-understandings at play in the respective actors' self-demarcation);
- 2) all aspects of the **decision-making process**; and
- 3) the **balance** between **democracy** and **expertise**.

These elements are inherent aspects of the analysis in the respective chapters of this deliverable and will be fleshed out accordingly in what follows. In addition, all these issues are part of a more general account of how the **function** of CSO participation is conceived and what is **expected** of them, as these will be crucial and unavoidable constituents of the three dimensions mentioned above and especially will have a major influence on decision-making processes at all stages and with regard to all aspects.

## 2 Theoretical approach: problematisation

### 2.1 *Background, assessment and patterns as instances of grid parameters*

There is wide agreement that broader stakeholder engagement in technical and scientific research is desirable. Civil Society Organisations (CSOs) are often described as the optimal actors who can realise the promise of participative research governance. CSO input into research may lead to a broader knowledge base and thus more robust knowledge. It can increase the legitimacy of findings and heighten public awareness and discourse. As a consequence, there are numerous attempts to stimulate participation in research and embed participative processes in research governance.

Despite these many activities, there is currently no agreement on how to evaluate the success of participation. This is partly caused by conceptual problems, as key terms are contested. There is disagreement on what counts as participation, on the role and definition of CSOs, on the ways in which research governance can foster participation, and so on. The theoretical benefits and disadvantages of participation are disputed and there is a lack of evidence of the effect of the integration of participation within research. Briefly, there is currently no agreed procedure that will allow the overall evaluation of CSO participation.<sup>7</sup>

In line with the core rationale of WP 1 and the DOW, CONSIDER uses an approach to establish models of CSO participation in research, which is also one of the central issues in Deliverable 3.2. As mentioned in the introduction, this combines normative, theoretical views on benefits and limitations with empirical findings on the practice of CSO participation. In the grid of analysis (Deliverable 1.3), the project has set out to understand the central characteristics and parameters, influencing factors and practices of CSO participation in order to recommend sound approaches to participation and to guide analysis of data. However, while WP 1 was primarily descriptive and analytical, including a number of methodological implications

<sup>7</sup> E.g.: Baccaro, L., & Papadakis, K. (2008). 'The promise and perils of participatory policy making,' *International Institute for Labour Studies*, Research series 117; Fung, A., & Wright, E. O. (Eds.). (2008). *Deepening democracy: Institutional innovations in empowered participatory governance*. London/New York: Verso; Fung, A. (2006). Varieties of participation in complex governance. *Public Administration Review*, Vol. 66, pp. 66-75; Cohen, J., & Sabel, C. (1997). 'Directly-deliberative polyarchy,' *European Law Journal*, Vol. 3, No. 4, pp. 313-340; Lyons, M., et al. (2001). 'The changing role of the state in participatory development: from the reconstruction and development programme to growth, employment and redistribution,' in *Community Development Journal*, Vol. 36, No. 4, pp. 273-88; Callon, M. (1998). 'Des différentes formes de démocratie technique,' *Annales des Mines, January 1998*, pp. 63-73; Pestre, D. (2011). Des sciences, des techniques et de l'ordre démocratique et participatif. In: *Revue Participation*, n°1, pp. 210-238; Gaudin, J.-P. (2013). *La démocratie participative*. Paris: Armand Colin.

described in the second part of D1.4, we now want to move on to the level of how to conceive of a diagnostic tool and the way in which this connects with the development of model construction.

The CONSIDERproject has started with asking *on which grounds* participatory practices themselves are understood, justified and from which impetuses they spring. This informs discussion on how CSOs can be involved in research activities. An essential part of these discussions is facilitated through focussing the overall research problematic on a clear question. By crystallising in a clear problem CSO involvement in the overall field of research governance, we have set out a theoretical frame for ongoing research in CONSIDER. As a result, a theoretical treatment has been given to the question of why CSOs are sought to be involved in research processes and how this transpires. With reference to current literature, prevalent modes of participatory involvement have been identified. These have illuminated parameters featuring in ongoing study and analysis, ensuring the coherence of the project. From all of this is derived a critical analysis of key areas of participatory and CSO involvement in research such that ongoing CONSIDER research can follow in a coherent manner.

One core question, going beyond the mere description of CSOs in research governance, and in view of the development of a diagnostic tool and models concerning the participation of CSOs in research design and research governance, is how CSO engagement in research can be *evaluated*. Without a normative, policy aware and analytic grounding, any means of *assessment* will risk being partial, *ad hoc* and framed by unacknowledged presuppositions. This is why, in the Theoretical Landscape, we had to address this question by setting the groundwork for the grid of analysis, developed throughout WP1. This grid has emerged from theoretical analysis and frames later research through focussing it on our research question. The patterns which are now emerging from the empirical investigation of current research projects can be seen as exhibiting or exemplifying instances of grid parameters. These patterns can be further used to establish the presence of models of participatory practices, against the background of which we will in this deliverable especially focus on the connection and convergence between theoretical insights and actual practices building further on Deliverables 1.4 and 3.1.

## **2.2 Conceptual confusion, conceptual clarification and governance**

Even though the issue of CSO participation can be traced back to themes in policy and European research culture more widely, this notion is in need of clarification as it is often deployed as an answer to a problem: research is perhaps seen as illegitimate *without* ‘participation’. However, it cannot be said that in every case the term means

the same thing, or that a single meaning is appropriate in every case. For instance, including CSOs as consulting voices at a problem-setting stage of research is different from involving those same partners at the end, as a focus-group, or a sounding board for the acceptability of work already done. As it stands, then, 'participation' is opaque and serves as much to hide information as to clarify research. Therefore, in the previous deliverables we have attempted to make a start with clarifying the notion of participation, in order to give ourselves the ground on which to understand the directions it takes and the uses (and abuses) to which it is put. In line with the methodological points elaborated in Deliverables 1.3 and 1.4, this will then also permit a normative evaluation, which will constitute a critical perspective, of the current state of play, i.e. enable the elaboration of an adequate diagnostic tool for assessment of CSO participation in research. From this evaluative position, or with this tool, we can develop a view on blind spots within current interpretations and uses of the concepts underwriting the phenomena the project as a whole seeks to address, as well as foresee future assessment and modes of balancing *representation* and *expertise*. In addition, or above all, one of the central concerns in this regard is that CSOs should not be exploited and/or instrumentalised for political or other reasons.

Consequently, with an overview of the theoretical underpinnings, practical manifestations and literature-based analyses of central aspects of CSO participation in research design, and the problems and limits inherent within them, balancing theory and practice, we can develop proposals to overcome them. The model building central in WP3 is therefore at the same time a converging exercise in terms of feeding the empirical findings into our normative and methodological grounding, as facts never speak for themselves and since everything depends on the (construction of) *meaning* which is given to these data.

The hermeneutical and interpretive challenge which is required to arrive at the construction of this meaning, pertains to questions as *how* CSO participation is arranged, *when* it occurs in the research, *for what purpose*, with what *impact*, etc. These are central in that they form the basis of the participation itself, and so set the boundaries of what is possible. Again, this relates both to theoretical underpinning and empirical observations. It will also illuminate the whole range of different *conceptions* of CSO participation and how these conceptions impact on the role of CSOs in the decision-making process as well as which expectations or normative horizons are at play. As we will see, political will is a crucial element in the entire discussion about the transition towards governance and the institutional transformations that are supposed to accompany it.

In any case, the general problematisation which guides the CONSIDER research project relates to the failure of traditional government in the face of pressing realities of plural citizenries and calls for new ways to cope with what has been widely termed a 'democratic deficit', owing to the way in which the *demos* is that which falls out of

the reckoning where nothing is done. What is required is an awareness of, and ability to cope with, plural values, identities, hopes, desires and ambitions among heterogeneous groups – in short a means of reconceptualising the public sphere such that a newly ‘complexified’ relationship between the public and private spheres can be understood in the context of an internally differentiated polity. It is largely in this context we can see the increasing emergence of calls for participation and deliberation and new approaches to actor and/or stakeholder involvement.

As has been elaborated in previous deliverables, in order to analyse participatory actions on the rationale of deliberation, various strategies have been put forward, notably Direct Deliberative Polyarchy (DDP) and the Open Method of Coordination (OMC).<sup>8</sup> As developments from the thought of Sabel and Cohen, these represent implementations of governance.<sup>9</sup> In order to fully grasp these notions we must examine governance itself. Governance, in contrast with traditional ‘top-down’ government, answers the desire to integrate people in policy-making. Clearly, the integration of CSOs in research and policy-making permits that research is a central part of the problematic explored in CONSIDER. Governance strives to answer the need to integrate perspective (and therefore, the public interest) in policy – systems are not enough to deal with the plurality of values that are deemed permissible.

The concept of governance is defined by Jessop as "the reflexive self-organisation of independent actors involved in complex relations of reciprocal interdependence".<sup>10</sup> The most recent developments of the concept, in the context of the European Union for example, qualify this mode of coordination as democratic, participative and pragmatic, with a focus on supporting collective action. According to Jessop, governance is now seen as an "important means to overcome the division between rulers and ruled in representative regimes and to secure the input and commitment of an increasingly wide range of stakeholders in policy formulation and implementation".<sup>11</sup> This new governance model requires both groups (rulers and ruled) to engage in a social learning process.<sup>12</sup> Indeed, joined participation in

<sup>8</sup>Smismans, S. (2006). *Reviewing normative theories on civil society participation*, NewGov Project, University of Trento, cf. [http://www.eu-newgov.org/datalists/deliverables\\_detail.asp?Project\\_ID=11](http://www.eu-newgov.org/datalists/deliverables_detail.asp?Project_ID=11); Rainey, S., & Goujon, P. (2012). *Theoretical Landscape*. CONSIDER Project, Deliverable 1.2, cf. <http://www.consider-project.eu/wp-content/uploads/2012/08/D1.2-theoretical-landscape.pdf>.

<sup>9</sup>Cohen, J. & Sabel, C. (1997). 'Directly-Deliberative Polyarchy,' *European Law Journal*, 3, pp. 313-342; Zeitlin, J., & Pochet, P. (Eds.). (2005). *The Open Method of Co-ordination*. Brussels: Peter Lang; Smismans, S. (2005). 'Reflexive law in support of directly deliberative polyarchy: reflexive-deliberative polyarchy as a normative frame for the OMC,' in O. De Schutter and S. Deakin (Eds.), *Social Rights and Market Forces: Is the Open Coordination of Employment and Social Policies the Future of Social Europe?* Brussels: Bruylant; Sabel, C., & Zeitlin, J. *New Architecture of Experimental Governance*, Eurogov, No. C-07-02, p. 13; Sabel, C., & Cohen, J. *Directly Deliberative Polyarchy*, at <http://www2.law.columbia.edu/sabel/papers/DDP.html>.

<sup>10</sup>Jessop, B. (2002), *Governance and Metagovernance: On Reflexivity, Requisite Variety, and Requisite Irony*, Lancaster, UK, Department of Sociology, Lancaster University, cf. <http://www.lancs.ac.uk/fass/sociology/papers/jessop-governance-and-metagovernance.pdf>, p. 1.

<sup>11</sup>Idem, p. 3.

<sup>12</sup>Cf. Schön, D. (1983), *The Reflective Practitioner. How professionals think in action*. London: Temple Smith. For a contemporary retake, critique and enrichment of Schön's thought, see the works of



collaborative problem-solving can lead to critical scrutinising of governing variables: goals, values, plans and rules. In this perspective (see also Deliverable 1.4), 'reflexive governance' reviews its own mechanisms to insure institutional learning.<sup>13</sup>

Hence, it results in the co-design of institutions and the elaboration of common social representations. In addition, Maesschalck's 'pragmatique contextuelle' (cf. a contextualised pragmatic approach)<sup>14</sup> stresses the importance of taking into account the specificities of contexts when creating norms. He recommends that, *in lieu of* the democratic apparatus set by authorities in which community members are invited to participate (school councils, for example), the actors' ability to participate is mistakenly taken for granted. Therefore, existing cooperative networks should be exploited and supported. Moreover, he suggests that implementation of norms is more likely to be feasible when norms are created in collaboration with the actors in context, since they are the most knowledgeable about the particularities and limits of this context.

The relevance of this to the problematic of CSO participation in research design is that these broad themes in the literature on political philosophy are concerned with how to arrange civic reality in order to create an amicable reflection of diverse views. As discussed in WP1, with reference to the development of Horizon 2020, this is not just of theoretical interest – there is a genuine political push as well. This is important to our project as it is from this background that the historical, cultural and political trends just discussed emerge. As these represent closely analysed attempts to deal with the issues of inclusion and its problems, they represent fertile ground for us to be able to see the kinds of concepts, tensions, issues and parameters we will need to look at in order to construct proposals for more effective CSO participation in view of the public interest. At the same time, it should be emphasised that, besides the discernible political push towards governance, there is also a theoretical need to elaborate a framing that takes into account these new perspectives and orientations in rethinking contemporary policy and/or governance in a complex normative environment in which a traditional and straightforward top-down approach can no longer be taken for granted. In addition, the fact that a 'need' is felt in terms of a new approach among the general populace, in line with increasing demands for participation, does not necessarily imply that they are able or willing to determine the conditions which define this new reality and how to deal with them or improve them.

Participation, in any case, is a very general notion and it can be utilised with different aims in mind, depending on a variety of factors. Different varieties of participation at

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Lenoble & Maesschalck, e.g.: Lenoble, J., & Maesschalck, M. (2010). *Democracy, Law and Governance*. Surrey/Burlington: Ashgate.

<sup>13</sup> Lenoble, J., & Maesschalck, M. (2003). *Toward a Theory of Governance: The Action of Norms*. The Hague: Kluwer Law International.

<sup>14</sup> Maesschalck, M. (2001). *Normes et Contextes, Les fondements d'une pragmatique contextuelle*. Hildesheim/Zürich/New York: G. Olms.

different levels and at different times require the elaboration and answering of differentiated questions that need to be asked for a model of CSO participation to be possible. For instance, participation can be limited to discussing existing policy and research, discussing already planned or ongoing policy and research. Similarly, these things could be consulted upon, perhaps by means of citizen juries or public fora.

Deliberation over the nature or aims of policy and research can also take place. Naturally, this is not exhaustive, but instead is indicative of some of the ways in which 'participation' can be realised, with respect to dialogue. Another issue is the *impact* of any such participation, and, as indicated earlier, the *assessment* of that impact. We have looked at these issues in greater depth in the previous work in order to create a basis on which we have synthesised a set of parameters (cf. D1.3 Analytical Grid) with which we can assess the general field of participatory practice in research design, and infer models on the basis of patterns (cf. D1.4 Governance Models).

Given the wide scope of the problematic around CSO participation in research design, it is incumbent upon us to focus on a sharp question. In Deliverable 1.2 (Theoretical Landscape), our initial research question was described as follows: *How do actors define and reach their expectations related to defining public interest when constructing norms in research projects?* (For the adapted question: see the following section 2.3.)

So, from an overall problematic, we determined a narrow set of concepts relevant to a specific question. The narrower set of concepts relevant to the question has been analysed and explored to determine their scope and limits. From this analysis, we have gained a set of parameters that can be used to assess any existing answer to the specific question. They can do this because they represent the range of possibilities for that question's answering in being based on an analysis of the fundamentals that lead to its formulation, even though this does not mean that the Analytical Grid should be conceived to be exhaustive or definite. Part of the CONSIDER research aim is to refine and extend it in view of upcoming results and patterns. In addition, the partners within the CONSIDER consortium currently doing the case studies, are also looking at other or parallel ways to feed into the empirical material and relate it to the development of hypothesis and models. (This was, among others, one of the central issues discussed at the CONSIDER Brussels methodological meeting concerning model building on the 5<sup>th</sup> of December 2013.)

## **2.3 The Analytical Grid as a guide to empirical classification**

Given the overall problematic which we narrowed down in this initial research question, we have the problem of norms and values, focussed on in terms of *expectations*, which in the case studies have been related to leadership styles and the intensity and modes of collaboration. Expectations can be met, managed or





addressed as part of a governance approach. That governance approach must employ various methods in order to facilitate the tabling of differing points of view (aggregative, deliberative, dialogical motivations for governance). This tabling will constitute a broad perspective on public interest with respect to the research at hand and so the means of expressing interests in relation to the research and its background must be borne in mind.

These elaborations provided us with initial pointers to the way in which the grid of analysis can guide the classification of empirical findings such that, amid the diversity of various empirical encounters, consistent material can be gained. This consistency is framed by this initial question we set ourselves, and so this framing is a necessary part of answering that question, as opposed to trying to tackle an ill-defined or too-nebulous problem.

In Deliverable 1.4, our initial research question has been slightly adapted and extended, in view of the practicability of the analysis of the empirical data, which gives it the following threefold form:

- *What does CSO participation contribute to research projects? (e.g. design, agenda setting, research governance, norms, expectations and impacts/results)*
- *To what extent and how does CSO participation in research projects orient the research agenda towards the public interest?*
- *What are the conditions for the satisfaction of the normative expectations of CSOs and other stakeholders participating or indirectly involved in research projects?*

Since participatory governance focuses on deepening democratic engagement through the participation of citizens in the processes of governance with state and/or European actors, it is crucial to also have a sound understanding of the institutional arrangements that are provided in order to reach an effective CSO engagement in research. A critical analysis of the governance models used in the projects under investigation and of their underlying normative orientations will allow us to assess the limitations of current governance procedures with respect to the involvement of CSOs in designing research governance. This is, amongst others, important in view of conceiving of more efficient modalities and more effective solutions in the context of CSO participation in research design, against the background of a clearer insight into the conditions under which certain normative orientations emerge and are accepted and implemented, and how they relate to the public interest or the *common good*.

One of the key challenges, therefore, is to address the problem of normativity<sup>15</sup> and how it relates to its application in continuously varying contexts. It should be clear

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<sup>15</sup>The notion of *normativity*, while broadly referred to in the fields of social sciences and philosophy, has nevertheless given rise to confusions. One of the main confusion is the reduction of the normative

from the deliverables in WP 1 how close the relation is between participation and normativity. Our concern is related to the hypothesis that existing approaches currently available in forms of cooperative and participatory governance *are affected by a limitation consisting of an inadequacy in how they deal with a theory of collective action (and learning) in view of the public interest*. The problem with the traditional top-down approaches, as has been extensively explained in WP 1 and based on previous research, is *that they do not allow for actors to be involved in the regulation of collective action*, i.e. to take part in the political construction of normative orientations which guide modes of behaviour within specific social settings.

At the same time, we have to acknowledge the fact that often norms are socially powerful precisely because they remain implicit (e.g. as opposed to law), which adds an extra layer of complexity to our analysis. In any case, what is commonly ignored is the *effectiveness* (i.e. the extent to which it is effectuated in practice) of a norm in its *future application*. A norm, if it has to be effective, i.e. applied, has to be conceived and built starting from the social context that the norm itself will affect or address. In fact, the originality and unique contribution of CONSIDER largely lies in this account of the question of the conditions for the effective implementation and acceptance of normative orientations in a specific context. Norms must be conceived and constructed taking into account the conditions of their application, that is, with a

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significance of a norm to its factual meaning, like when someone says: 'It is prohibited so smoke in public places'. It is one thing to report in a descriptive way that smoking is prohibited (factual meaning of norm), it is another thing to commit or evaluate in a prescriptive way the binding force of the norm for one's conduct (evaluative / normative significance of a norm). We call the reductive stance towards normativity a positivistic reduction, and we suggest that, given the attachment of some scientists to what Weber calls 'axiological neutrality', the social sciences are necessarily the main reductive disciplines as regards normativity. This denial of normativity defined as the evaluative relationship to norms is almost a direct consequence of the requirements of the methodology of the social sciences. Normative analysis is a method seen widely in economics, jurisprudence, psychological studies and other fields. In general, such analysis moves from: a) a (quasi-) objective description of a phenomenon, to b) a subjective evaluation of that phenomenon. The b) stage invokes the values and judgment of the evaluator. From a sophisticated philosophical perspective, both 'objective' and 'subjective' are problematic terms, and so general normative analysis must be modified so as to include an awareness of the complicated role of *perspective* both in description and evaluation.<sup>15</sup> Normative analysis can overtly evaluate statements in the light of overtly-elaborated presuppositions: to highlight how things are presented *as functions of a point of view* and to assess these presentations in the light of articulated points of view. It is an epistemologically aware means of analysis that deals with the theory-ladenness of terms. In a succinct manner, and apart from the initial Glossary, we can say that a *norm* represents the way in which social (and internal) conduct is regulated by external rules and/or expectations, exemplifying standards of behaviour that are typical of or accepted within a particular group or society. According to Christine M. Korsgaard, in their *ethical capacity*, norms "do not merely *describe* a way in which we in fact regulate our conduct. They make *claims* on us; they command, oblige, recommend, or guide. Or at least, when we invoke them, we make claims on one another."(Korsgaard, C. M. (2012). *The sources of normativity*. Cambridge: Cambridge University Press, p. 8.) It should be kept in mind that, in contradistinction to law regulations, we are talking here about rule-like normative orientations guiding collective behaviour which are *not compulsory* in the strict sense. This is also a central issue with regard to the question of and conditions for the satisfaction of the normative expectations of actors in relation to CSO involvement in research design, and thus in view of the core research question of the CONSIDER project.

participative and reflexive approach, involving the different actors that are implied in the consequences of its application.

Crucially, if governance arrangements solely rely on argumentation and rational/expert demonstration, they might arrive at a certain level of reasoned and general legitimation, but without any practical consequences in terms of a norm being adopted, given that a rational demonstration of a normative injunction (e.g. smoking is bad for your health, so you should not do it) does not imply its acceptance and actual application. So, rational demonstration is an insufficient condition in order for a norm to be effectuated – or to be accepted in practice, that is. On the other hand, you might have participation and extensive stakeholder involvement without arriving at a reasoned legitimation from a broader societal and political perspective. That is, among others, why every kind of participation is potentially always liable to a fundamental ambiguity as well as to the continuous spectre of instrumentalisation, or, at another level, to the danger of, instead of representing a ‘common’ interest, ensuing in new forms of institutionalisation that allow newly emerging elites having their voice expressed, again resulting in the marginalisation and expulsion of other ‘voices’ and other ‘others’.<sup>16</sup>

In sum, the aim of CONSIDER is to provide (hypotheses and guidelines about) new insights and tools that enable a combination of rational legitimation *and* the bringing in of the framings of CSO/stakeholder involvement, as the steering function of a governance approach essentially involves utilising the perspectives of the people governed by it. So, the purpose is to arrive at governance arrangements which do justice to the public interest and consequently connect the perspectives and framings of societal actors with the more abstract and general aspects of legitimation and its corresponding formal procedures. In line with what has been said before, this is an approach that aims at overcoming the limits of traditional ‘Habermasian’ or ‘rationalistic’ top-down views in which context and substantive value-laden content are disconnected from the procedure. More specifically, *we want to overcome the limits of the weak interpretation of Habermasian views that reduce the issue of deliberation to a mere participatory approach without reflecting on its own*

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<sup>16</sup> Cf. Gaudin, J.-P. (2013). *La démocratie participative*. Paris: Armand Colin, p. 113: “Ces diverses conceptions de la participation sont toutefois redevables d’une même question. On doit s’interroger sur l’authenticité des offres contemporaines de participation, qu’elles découlent de procédures institutionnalisées ou de démarches expérimentales. S’agit-il de potentialités nouvelles ou bien de simulacres ? Les enquêtes et les observations dont on a rendu compte soulignent l’ambivalence voire l’ambiguïté profonde des démarches participatives. Même si l’analyse montre que la participation la mieux organisée n’est jamais totalement maîtrisable, on peut souvent y déceler une instrumentation des discussions, destinées à « prévenir les contestations » ou à offrir des cautions démocratiques. À l’opposé, certains analyses privilégient plutôt les potentialités que la participation offre à de nouveaux acteurs et à l’expression d’un savoir « commun », en oubliant que les scènes participatives créent à leur tour de nouvelles élites de la discussions publiques.” See also: Kusters, W. (2012). ‘Turning silences into voices.’ In W. Kusters, *The presence-absence ambiguity of the Belgian migrant child in Northern France (1870-1914). A study of the role of education, citizenship, and oblivion in cultural identity formation*. Leuven: KU Leuven, Doctoral Dissertation, pp. 229-233.

conditions.<sup>17</sup> Simply put, a solely top-down or expert-based approach ignores the actual reality which should be addressed in a governance perspective.

Along the same lines, for example, it can also be said that the Louvain School fails to transcend the view of reason as adequate for determining its own application. As there is preponderance with argumentative reason, their account will be useful to some extent in developing our theoretical framing, but ultimately it is a position itself in need of revision. We do retain, however, their central concern with the question of how reason is in fact enacted, in a manner which pays close attention to the perspectives of the addressees of norms. To that extent, we agree with the idea that it is of crucial relevance to develop an account of how norms are apprehended and enacted by social actors, not in the least in the context of CSO participation in research governance. This is especially relevant given the fact that scientific rationality is often the *de facto* source of normativity in scientific endeavours of all kinds, and that the CONSIDER research project is exactly about taking multiple perspectives and voices into account in the very business of research governance.

Even though some elements mentioned above might sound like a recap of previous work, it should be emphasised that this deliverable is crucially about a transition towards a *diagnostic approach*, in light of which it is deemed to be relevant to point out how this diagnostic purpose is anchored in the CONSIDER analytical work undertaken so far. In a way, it is not so difficult to acknowledge a number of (problematic) ‘facts’ regularly featuring in accounts of CSO participation, be it in research design and governance or otherwise. The limits (problems/gaps) we are talking about in this regard, simply put, primarily concern (conflicting) *expectations* (cf. different normative framings) on the one hand, and elements pointing at the (political) *instrumentalisation*<sup>18</sup> of CSOs on the other, limiting their voice in the actual conception, effectuation and continuous steering of the project, i.e. disallowing for a central position in the decision-making process. While we obviously should beware of overgeneralisation or too sweeping statements, field studies and most of our own case studies confirm this pattern.

So, whereas this is by now more or less commonly recognised by a great number of policy analysts and researchers – no big discoveries there – the greater challenge is to think about ways how these limits, problems, conflicts or elements of instrumentalisation can be *overcome*, both from a theoretical point of view and in terms of analyses that support or provide operational modes with an effective and practical impact. In other words: to the extent that the limits encountered in our own

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<sup>17</sup> Cf. the notion of (first-order and second-order) *reflexivity*. See also Deliverable 1.4, pp. 19-22.

<sup>18</sup> E.g. to *pre-empt* on social/societal resistance toward technological changes or scientific developments (potentially) impacting on the everyday life of citizens.

case study material converge with well-known problematisations<sup>19</sup> and are embedded in a common pattern, the crucial question remains how to address the limits and blockages in current CSO participation, starting from a sound classification and hermeneutical analysis of the empirical findings of the case studies in a coherent and well-framed way.

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<sup>19</sup> See e.g. the work of S. Smismans, Lenoble&Maesschalck, B. Jessop, C. Sabel& J. Cohen, etc. See also CONSIDER, Deliverable 1.2., *Theoretical Landscape*. See also: Gaudin, J.-P. (2013). *La démocratie participative*. Paris: Armand Colin

### 3 Theoretical approach: results

#### 3.1 *Norms and the satisfaction of the public interest*

In connection with what has been said before, we can state current discourses about participation usually ignore their condition of application. In relation to CONSIDER and CSO involvement in research design, this means that there will be a high probability that in many cases participation will be conceived as something which is 'good in itself', without questioning on which account, or on which conditions, CSO participation of this kind will be effective or provide a substantial contribution to the project in the perception of all actors involved (not in the least in relation to the actual and real life public interest or added value).

Consequently, one of the central concerns is to include an account of the (normative) context, which is vital in view of the satisfaction of the public interest, in order to connect citizens and society at large on the one hand and scientific research (and, at a second level, traditional political bodies) on the other, against the background of which European FP7 research governance plays a crucial role. What is needed, in other terms, is a reflexive interface (communicative tool), in the form of an effective participatory governance approach for CSO involvement in research design, that can overcome the limits of the traditional expert/top-down approach and that at the same time goes beyond mere rational proceduralism. In fact, this means that we have to leave behind the assumption that the necessary preconditions will be 'naturally' there, and as a consequence that we cannot presuppose that the application is deductible from rational argument.

The relevance of this to CSO participation is that when CSOs are called upon to input their views into research (in whatever capacity), the *background* from which those views come must also be presented (there is no neutral way to present a point of view). In addition, efficient CSO participation is supposed to contribute to the satisfaction of the normative expectations of the general public, and especially those of the CSOs themselves, i.e. of those that are part of (and represent) the context of specific collaborative research-CSO projects. In order to authentically represent points of view within participatory practices, we need to implement reflexivity so that the views presented are indeed those of the CSOs rather than ambiguous statements, open to various interpretations and potential misuse. This requires that we examine how the construction of norms is carried out by citizens in context within current practices in CSO involvement in FP7 projects (See chapter 5). More particularly, this demands that we determine how specific parameters allow for a diagnosis of the governance patterns and of the extent to which these patterns *qua* representations of common practices reflect a deep co-construction throughout the process. Against the background of a spectrum ranging from a traditional top-down



standard model towards complete and equal co-construction<sup>20</sup>, we can then relate analytical parameters to a number of main presuppositions that are indicative of the way in which norm construction takes place. In this way, the data can gain *meaning* and can be related to how various (potentially conflicting) expectations and modes of collaboration show how diagnostic parameters relate to patterns, presuppositions and (governance) models. At the same time, this will reveal the fundamental limits of each kind of governance arrangement and how expectations, modes of collaboration, leadership styles, etc., are permeated by normative horizons coming from the respective actors/citizens involved.

Taking as a point of departure citizens in context (e.g. CSOs and other actors in FP7 projects), implies that we have to accept that at a certain moment reason runs out and the framing that constitutes peoples' way of seeing the world steps in – i.e. the deep sense of self of every citizen and all that their convictions connote. We are talking here about our being *in a thick sense*, which includes our upbringing, cultural and religious convictions, feelings of indebtedness to a past, honouring legacies etc. While this is clearly important in comprehending who/what a person is, it is only comprehensible if we step back from the primarily argumentative mode of discourse and regard framing not as an aggregative report of experiences had between various times, but rather as the authentic self-portrayal of a human being in terms of a lived life – i.e. we need to use a recognition principle in order to recognise the information encoded by the manner of framing, particularly in view of how governance arrangements actually work in the context of CSO participation within FP7 research projects. Our special attention, in this regard, should go to enablers, barriers, modes of leadership and collaboration, blind spots, and limitations as seen from an ideal scenario of co-construction among academics and CSO representatives – with sufficient emphasis on the dimension of *timing* and corresponding questions in terms of *who* is involved in *which role* and at *which stage* of the research project.

But the acceptance of arguments (and norms) will itself be conditional on values embedded within an agent's way of seeing things, concerning both academics and CSO actors, impacting on their expectations. Put generally, frames don't fit *within* argumentation, but rather argumentation *decentres* the expressive authenticity of the perspective from a frame. Decentring, according to the Louvain analysis, means the way in which actors must move away from their own contexts of action when considering questions of what is true or right. An absolute claim to validity has to be justifiable in ever wider forum, before an ever more competent and larger audience, against ever new objections. This intrinsic dynamic of argumentation, the progressive decentring of one's interpretative perspective, is, however, opposed to what we are actually looking for at this point, i.e. a means with which to accurately represent the

<sup>20</sup>See also: Gaudin, J.-P. (2013). *La démocratie participative*. Paris: Armand Colin, p. 113: "Par-delà cette diversité, un même terme d'inspiration anglo-saxonne, *participation*, a construit une référence standard et internationale. C'est un vaste rassemblement de démarches très différentes, allant de la simple consultation des populations à des décisions."





perspectives of social actors, precisely *not* to decentre them. This is particularly pertinent with regard to the issue of collective learning that should be part of an adequate governance approach characterised by reciprocal feedback and horizontal cooperation within FP7 European research projects.

### **3.2 Citizens, perspective, framing, meaning**

As has been noted, our problematic of constructing norms in contexts (in order to determine and address normative issues and expectations in the context of CSO participation in research) requires that we look deep into the theory of normativity and action. Among the problems with the current offerings has been the consistent way in which context is ignored. Here, in the preponderance with one variety of rationality among others that engenders contextual reduction, we have a serious part of the theoretical problem on the one hand, but with far-reaching consequences on the practical level on the other. By reducing context to something which is *given*, one misses the question of the *potentiation* or the *capacitation* of context to produce *meanings*, that is, the reflexivity of the judgment by which the context, on the basis of which a norm is *given* sense, is perceived.

The epistemological insufficiency of every theory that presupposes the context as given or identifiable is important because such presuppositions, even in the form of conventions that are adaptable or revisable by an individual, do not take into account the reversible or reflexive character by which *one gives oneself* this preference, this convention or whatever it is that makes this ability to adapt or revise possible. One's perceptions of elements of context are members of a set entailed by particular theoretical presuppositions; they are symptoms of a framing, linked via informal inferential connections to beliefs. Hence, there are no cognitively significant representations of one's predicament untouched by background theory. In any and every use of reason whatsoever there is contained within it implicit reference to background. Neutrality in the sense seemingly required by the prevailing, distinctly Cartesian approach is thus impossible.

The concept of context must itself be reflexively constructed – it must be thought of as that which, through norm-centred judgement, enables possibilities for human existence. It might well be rendered as potentiating ways of life, to highlight that this reflexivity of the concept of context cannot be reduced to any convention supposed as given. In the established approaches criticised so far, contextual background is generally itself formally reintegrated into a decisionist matrix by an anticipation of the consequences. **The context is reduced to merely something that offers resistance, to a set of foreseeable and objectifiable constraints** that rational approaches or choice theories should take into account. The criticism here formulated by emphasising the necessity for reading the reference to the background as a transcendental logical function of the operation of reason helps us to understand



the consequence of our approach to the reflexivity of judgement on the level of the construction of governance arrangements. The intention is to develop an internal perspective and thus to appreciate the position of social participants *in a thick sense*, in order to find ways to improve the effectiveness and efficiency of CSO participation in research design, rooted in a meta-level reflexivity and translated into practically relevant and feasible policy guidelines and recommendations.

On the basis of a diagnosis of the current state of affairs, guided by our normative and analytical background and exemplified by the FP7 survey and a number of more in-depth case studies, we can infer how findings concerning the majority of cases are related to previous analyses (as related to a study of participatory practices within EU projects)<sup>21</sup> accounting for gaps and limits and what this means in terms of hypotheses, patterns, typologies and models. In order to do this, we have to articulate the underlying enabling features of each individual governance arrangement, so that thereupon the description of patterns can be collectivised in typologies and/or models, organising patterns in a more abstract way. Accordingly, the upcoming results of the applied cases can be assessed in line with the Analytical Grid, so that we can see how their characterisations are distributed along the spectrum of possible governance arrangements.

	<b>Case 1</b>	<b>Case 2</b>	<b>Case 3</b>	<b>Etc.</b>
<b>Synthesis of characterisation</b>				
<b>Dominant governance model (from Standard to Co-construction)</b>				
<b>Conclusion in terms of gaps and limits</b>				
<b>Relation to hypotheses?</b>				

<sup>21</sup>E.g. Smismans, S. (2006). *Reviewing normative theories on civil society participation*, NewGov Project, University of Trento; Smismans, S. (2008). *Comparing two policy areas of European policy-making from the normative perspective of reflexive-deliberative polyarchy*, NewGov Project, University of Trento; Steffek, J., & Smismans, S. (2008). *Civil Society Participation in European Governance*, NewGov Project, University of Bremen.

Special attention should be paid to the enabling and disabling features that are constitutive for the gaps and limits on the one hand, but also for potentiating variables that indicate the extent to which we can actually speak of co-construction, i.e. the extent to which contextual elements embodied by the values, perspectives and expectations of the CSOs are actually taken into account throughout the collaborative process. One of the central questions here, thus, is the question of whether the context is supposed to be given, or in other words: subsumed to be in no need of further exploration in order to guide the project in the capacity of normative orientations that do justice to the expectation of the CSO actors. In this regard, advocates of the Maesschalck/Lenoble position (the Louvain School) suggest that each current democratic governance approach is faced with two fundamental problems or conceptual blockages relating to the necessary conditions for the *meaningful uptake* and *enacting* of norms adopted. Such an uptake and adoption requires a *self-redefinition in terms of the normative injunction understood as such*.

### **3.2.1 Democratic governance and conceptual blockages**

The **first** of these conceptual shortcomings can be called a reductionist failing. This failing sees the normative injunction's adoption and enacting as something which can be exhaustively described in terms of the existing authorities' interventions. However, when we consider the adoption of a norm, including a self-redefinition in the light of the norm adopted, as well as the fact that this process will be a deliberative one, existing authority structures show themselves to be inadequate to the task. For the Louvain School, this is not least due to the presence in the situation of a learning operation. When the success of a collective action is understood as depending not just on market-style decentralised coordination but also on deliberative and cooperative practices, the process of development of what we call a reflexive approach to governance is under way. In contrast to governance based on the command and control model or the market mechanism alone, the success of any collective action comes to be subordinated to the success of a learning operation. A key challenge, therefore, will be to integrate the choice of the CONSIDER consortium to take as a point of departure *leadership style* on the one hand and *intensity of collaboration* on the other, in a coherent manner into a full characterisation of the cases in line with our account of the governance problem.

The above reflections have a considerable practical relevance, as data analysis is not a *presentation* of data, but requires a kind of a hermeneutical move in the form of a *meta-analysis*.

Again, it should be mentioned that, for analytical reasons, participation should be seen primarily as a 'problem' (problematic) rather than as a 'solution' (given), since this will be the only way to move forward and test and assess the hypotheses and comparable groupings while completing the data analysis in view of acquiring

*meaningful* results and interpretations.<sup>22</sup> At the same time, an analysis of framings, perspectives and presuppositions will show us the space which is available within the particularities of every research project for proper collective learning and a reciprocal dynamic of common normative steering.

The presence of a learning operation in the various scenarios at hand will account for *how a normative injunction can have meaning for the people to whom it is addressed*. It is to account for how actors can mobilise their resources to adjust their ways of life to new scenarios, or to adjust their entire *modus vivendi*, should it be required. Such an operation cannot be assumed to be somehow ‘naturally’, given what is known from experimental psychology regarding the consistent use of logically incorrect ‘heuristics and biases’ in decision-making under uncertainty, even among the well-trained. Philosophically, too, there is a problem of simply assuming that human beings are apt to make decisions that gradually form sets with growing verisimilitude.

**Learning can be seen as *the capacity to change in light of judging circumstances to require novel treatment*.** This is why it is prior to the success of the governance operation of CSO involvement in research itself. It is the learning operation that gives meaning and content to the normative injunction that is at play when CSOs are collaborating in the research project. Without this space for reasonable input from CSO actors, the governance structure in the project will at best be ambiguous, probably meaningless, misdirected, ill-addressed and generally inadequate.

The **second** conceptual blockage, according to the Louvain school, consists in predicating the effectiveness of the practical acceptance of a shared norm among a given public entirely on the proliferation of mechanisms that are taken to create cooperation and participation among social actors. By simple recourse to participation (public dialogue, say), it is assumed that a norm will be binding for the public in general. In other words, the blockage relates to how the capacity of the public to accept a new norm is thought to be given just because a (rationally) legitimate or justified approach is used in developing that norm – justification and legitimation are equated with application. This is a problem as the application of a norm is a real, practical action requiring the *transformation of perspectives and ways of being* among a public. It is far from certain that such an outcome will simply issue from a dialogue, even if such a dialogue is rational. One cannot assume, therefore, that simple inclusion will result in cooperation and participation, nor even that cooperation and participation will result in practical acceptance of a norm. As indicated, dialogue is part of a problem, not a solution in itself.

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<sup>22</sup> Cf. the ‘problematic’ of CSO participation in view of the CONSIDER research question as developed in WP 1, in relation to current gaps and limits in CSO participation in research (design and governance) and ways to overcome them in view of, among others, the development policy guidelines and recommendations as well as models.

In a sense, the learning operation can be seen as central to the Louvain approach, even regarding the second conceptual blockage noted. The concerns about participation revolve around the inadequate account of learning employed in dialogical processes. There is a constellation of concepts implicated in these matters, however, which for obvious reasons is impossible to elaborate exhaustively within the context of this deliverable. For instance, learning and participatory processes imply dialogism, which subsequently implies communicative rationality, including argumentation (and other forms of rationality). The differences between legitimation, justification and applicability employed in mentioning problems with practical acceptance also imply ideas of *formalism* and *proceduralism*.

### 3.2.2 Going back to the cases

Unavoidably, in coming back to the cases, we will have to make a distinction between **participation** on the one hand, and **deliberation** on the other. Therefore, it might be useful to, for each case, to make the exercise of pointing out which elements or central variables are featuring primarily as instances of *participation*, and which elements or constitutive variables predominantly instantiate the dimension of *deliberation*.

	PARTICIPATION	DELIBERATION
Case 1		
Case 2		
Case 3		
Case 4		
Case 5		
Case 6		
Etc.		

The point to be made here is that they do not necessarily imply each other and that, on the basis of our analysis so far, we can expect that we will primarily find weak interpretations of deliberation. In addition, there is a crucial difference between a *political* legitimation of the choices being made and a *scientific* legitimation. To have CSO or citizens involved or around the table does not mean that anything will come up that can be scientifically validated. As the analyses *à la* the Louvain school, the

NewGov project and the EGAIS project, as well as our initial findings, so far suggest, participation is most commonly reduced to a weak demonstration of legitimacy. Participation does not resolve the problem of 1) *representativity* (who is being selected and on the basis of which criteria?)<sup>23</sup>, and neither does it resolve the problem of 2) *scientific legitimacy*. In other words: participation as such does not resolve any problem at all. If, for example, you select your CSOs on the basis of the expectation that they will support your eventual advice anyway, and a priori exclude others that might not, there is apparent participation, but it will not bring any added value, nor will it represent anything whatsoever or provide a scientific justification of any sort. This means that there is nothing intrinsically valuable or good or moral about having a participative structure, if space for ‘existential exposure’ of the stakes is a priori immunised or reduced to a form of consultation without any consequences.

In analytical terms, the task here is to get various concepts deployed so far somehow to cohere in a manner that permits the construction of a norm in context such that reflexive governance mechanisms regarding CSO participation in research governance can be the result and we can develop models as well as guidelines and policy recommendations on this sure foundation. It would be very useful to, among others, pursue this agenda in terms of reflexive governance with reference to ‘learning’, because learning is credited as being at the heart of governance measures, prior to their success, by the influential Louvain School, to which we partially subscribe. It is from this perspective, as well, that we will be able to connect gaps and limits in current approaches to the ideal of co-constructive CSO involvement and to make theory and practice converge.

### **3.3 Reflexivity and (collective) learning**

Following what has been said before, and in line with the rationale of Deliverable 1.4, it should be clear by now that the kind of governance approach we are looking for can be described as reflexive governance. This reflexive approach is related to the fact that norms must be conceived and constructed taking into account the conditions of its application, i.e. to the capacitation of actors in terms of being reflexive during the process of participation, especially related to CSO involvement in research design. In general terms, we can make a distinction between *first order reflexivity* and *second order reflexivity*.

#### **3.3.1 First-order reflexivity and second-order reflexivity**

In its broadest sense, reflexive governance refers to a mode of steering that is self-critical, and has its own reshaping continuously in mind. More specifically, it involves

<sup>23</sup> See also: Gaudin, J.-P. (2013). *La démocratie participative*. Paris: Armand Colin.





diverse actors coming together in reflexive arrangements to scrutinise and reconsider existing systems, rules and paradigms. However, as elaborated previously, reflexivity in governance is often reduced to first-order reflexivity<sup>24</sup>, i.e. a reflexivity that lets its own framing unquestioned. **First-order reflexivity** is not an absence of reflexivity, but a limited reflexivity that comes from the framing itself and avoids asking questions on the framing. The novelty of contemporary accounts of governance is to bring to 'the tribunal of reason' its own objectives, its functioning (see the development of sociology and other human sciences), the side-effect of its growth and functioning, and so on, allowing for more space for second-order reflexivity. Therefore, **second-order reflexivity** is a reflection on how society, and contemporary rationality in particular, work, and reflect on itself, and on how those reflections can be limited by certain presuppositions.<sup>25</sup> Second-order reflexivity thus is not only a reflection on our own actions (as individual or as society), but also a reflection on how presuppositions, certain governance principles, and their corresponding values determine our modes of (collective and participatory) agency. We could say, putting things as simple and clear as possible, *that second-order reflexivity is the means by which we can reach the first-order one*. We need to understand the institutional frame that surrounds us and in which we are embedded before we can start questioning sensibly ourselves and our self-understanding, and thinking about how this relates to our social agency as citizens in the public domain.

Obviously, governance is indissociable from participation. This new governance model requires both groups ('rulers' and 'ruled', put simply) to engage in a social learning process.<sup>26</sup> Indeed, joined participation in collaborative problem-solving can lead to a critical scrutinising of governing variables: goals, values, plans and rules. In this perspective, 'reflexive governance'<sup>27</sup> *reviews its own mechanisms to ensure institutional learning*. Hence, it results in the co-design of institutions and the elaboration of common social representations, which can be conceived as a central challenge in rethinking and improving research governance and research design in the perspective of CSO involvement and the corresponding move towards less top-

<sup>24</sup>Cf. Hajer, M. A., & Wagenaar, H. (Eds.). (2003). *Deliberative Policy Analysis, Understanding Governance in the Network Society*. Cambridge University Press, pp. 44-46.

<sup>25</sup>As for the more principled definition as described in Deliverable 1.4, on p. 20: "Second-order reflexive governance is the level at which the institutional arrangements are provided within which first order governing takes place. Institutional arrangements can take many forms in both the public (a regulatory agency) and private (the financial market) sectors. What is important is that a framework is provided that enables first-order governance to take place. There is a distinct 'two-way role' at this level with both those being governed and those governing having input into the process to provide an effective and legitimate institutional setting. This approach enables a more comprehensive analysis of governing interactions, as actors can often be influenced by institutions (and the way) these help or hinder them in the pursuit of their goals." See: Argyris, C. (1993). *Knowledge for Action: a Guide to Overcoming Barrier to Institutional Change*. San Francisco: Jossey Bass. See also Lenoble & Maeschalck, J.-M. Ferry.

<sup>26</sup>Schön, D. (1983), *The Reflective Practitioner. How professionals think in action*. London: Temple Smith.

<sup>27</sup>Lenoble, J., & Maeschalck, M. (2003). *Toward a Theory of Governance: The Action of Norms*. The Hague: Kluwer Law International.





down and traditionally conceived expert-based approaches in terms of the way in which research processes and their modes of decision-making are structured and given shape. We should keep this continuously in mind when testing our hypotheses and applying our diagnostic approach.

Simply put, first-order reflexive governance asks what the problem is and then, in view of the determined problem, asks what can be done to solve the problem, i.e. what is the possible solution. Second-order reflexive governance, on the other hand, on a meta-level, focuses on governance arrangements that will allow for an effective and legitimate process of determination of the problem, i.e. on the *conditions* and the *process* that will enable a satisfactory way to arrive at an effective and legitimate normative grounding of the problem at stake. In this regard, CONSIDER is centrally concerned with second-order reflexive governance, in view of improving ways to deal with the intrinsically interdependent structure of the co-governance of research processes characteristic of CSO actors involvement in research design.

### **3.3.2 Research questions and collective learning**

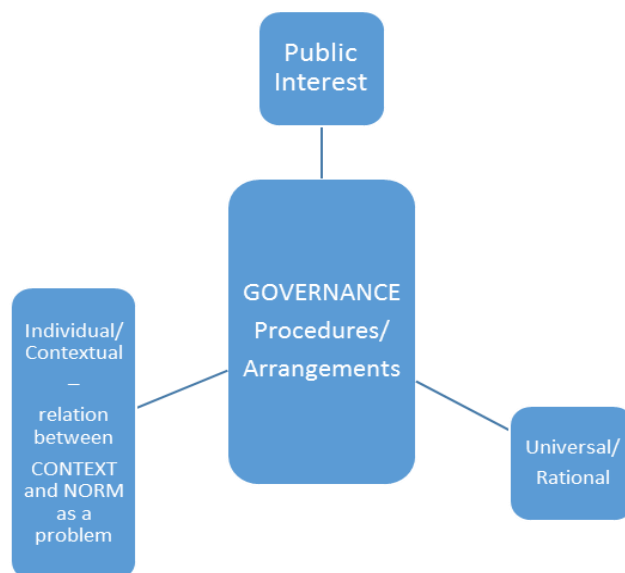
In view of our future analysis, and with the convergence of theoretical grounding and empirical case study in analysis in mind, we have to connect our threefold research question with the central issues surrounding second-order reflexive governance. For the sake of repetition, our research question is the following:

- *What does CSO participation contribute to research projects? (e.g. design, agenda setting, research governance, norms, expectations and impacts/results)*
- *To what extent and how does CSO participation in research projects orient the research agenda towards the public interest?*
- *What are the conditions for the satisfaction of the normative expectations of CSOs and other stakeholders participating or indirectly involved in research projects?*

This threefold research question as mentioned in the previous section internalises the possible gap between the general expectation of rationalisation and the way in which the actors themselves conceive of the interests to be satisfied. To respect a normative equilibrium, it is necessary *to internalise this normative dimension within the collective action by means of which members of social groups construct their public interest (i.e. normative horizon)*, and consequently to integrate the hypothesis of a gap between the requirements of the public interest (i.e. normative horizon) and the way in which members of a group produce a collective action. Accordingly, in as far as the public interest is determined by procedural arrangements, the universal/rational elements of articulation of the procedures must be contextualised

and brought in connection with the individual citizens who act on the basis on their specific values and normative orientations.

The following figure represents this challenge in a schematic way:



**Figure 1: Universal-rational and Individual-contextual dimensions of procedures or governance arrangements that condition the satisfaction of the public interest (cf. normative horizon)**

In sum, what CONSIDER addresses and aims to provide, is *the tools that can bring in contextual values related to CSO participation and that can connect abstract/principal elements with real life issues and concerns in the specificities of a certain social context*. Whereas a universalistic approach relies solely on rational argumentation and justification, and is just a deduction of rationalist proceduralism, a contextualised approach includes the participation and perspectives of actors and thus increases the probability of an effective adoption and application of a particular normative horizon related to the research process in context. In relation to the case studies about CSO involvement in European FP7 projects that are currently being analysed, this might e.g. imply that the perspectives and expectations of CSO actors are a constitutive part of the very initial research design, in addition to the fact that CSOs are allocated a central role in terms of the determination of the research process throughout the project from beginning to end.

Accordingly, this will reduce the probability of disappointment and strengthen the potential for future collaboration against the background of a reciprocal learning process and an extension of the interests taken into account, in order for the

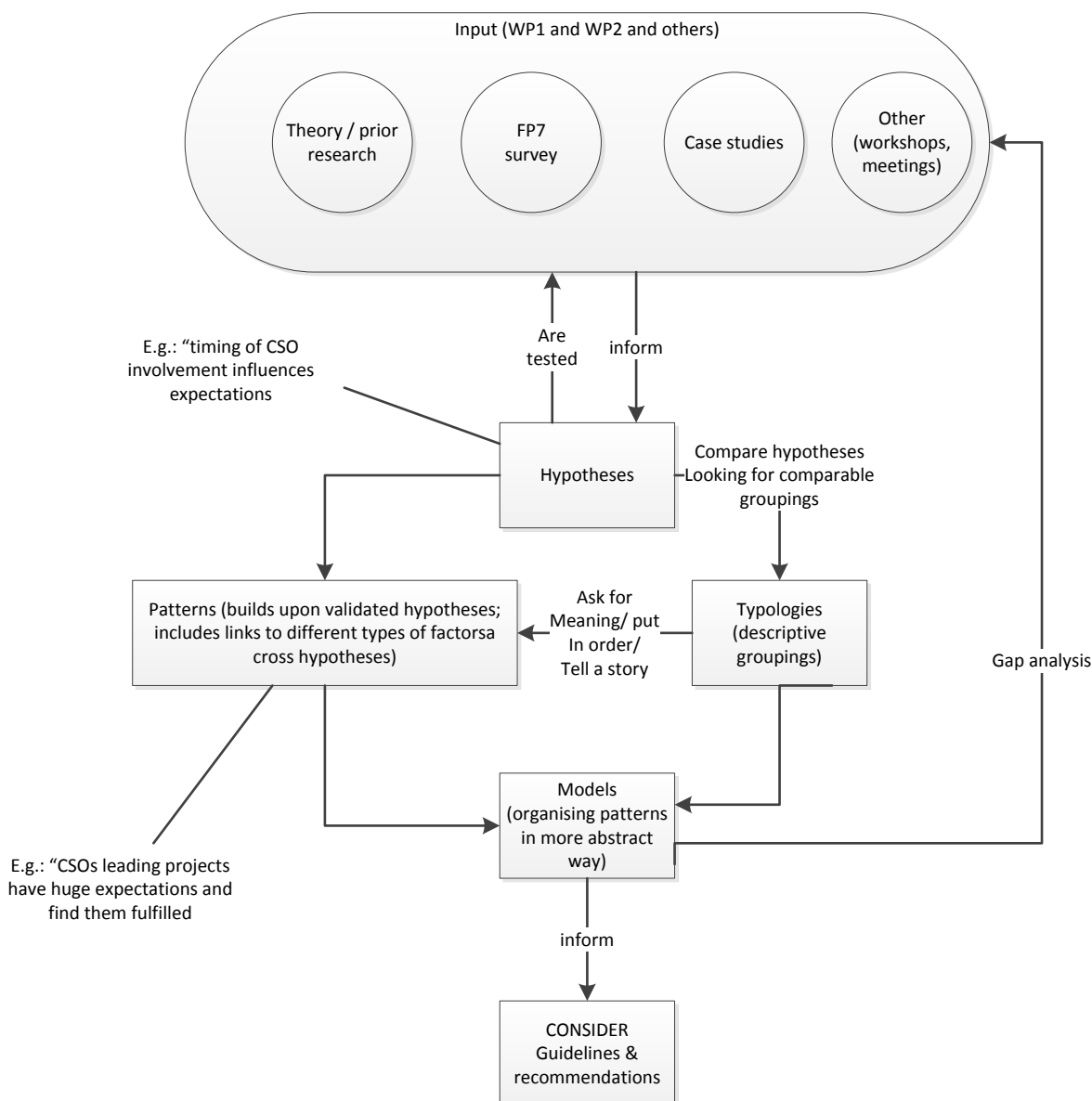
normative horizon to be closely aligned to what could be called the public interest<sup>28</sup>. Eventually, this is about dealing with plurality in a dynamic fashion.<sup>29</sup>

In this light, and with regard to the empirical analysis, we have to beware of ignoring context in our attempt to form hypotheses in view of finding collective sets of patterns with common features or looking for comparable groupings that enable typologies to be transformed into models. It might be useful, at this stage, to mention a scheme that was developed by the members of the CONSIDER consortium who are involved in doing the case studies during the CONSIDER methodological meeting concerning model building in Brussels on 5 December 2013:

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<sup>28</sup> To the extent that 'the public interest' might imply too sweeping a claim in terms invoking an ontological or epistemological category, it might sometimes be useful to rather speak of a certain (common) 'normative horizon' in a specific (intersubjective) context.

<sup>29</sup> Cf. Rainey, S., & Goujon, P. (2012). *Theoretical Landscape*. CONSIDER Project, Deliverable 1.2; Jessop, B. (2002), *Governance and Metagovernance: On Reflexivity, Requisite Variety, and Requisite Irony*, Lancaster, UK, Department of Sociology, Lancaster University, cf. <http://www.lancs.ac.uk/fass/sociology/papers/jessop-governance-andmetagovernance.pdf>.



This scheme represents the principles that will guide the research partners doing the case studies in developing models. As can be seen, there are various inputs that feed into the initial stage of coming up with hypotheses. While both the dimensions of 'Theory / prior research' and 'Case Studies' are somehow mentioned as 'container blocks' on their own – without too much specification or embeddedness, e.g. in terms of parameters, presuppositions, interpretation and generating significance/meaning – the biggest challenge will be to frame and narrate the whole research trajectory, taking as a point of departure the Theoretical Landscape, in a coherent and plausible way, so as to relate the analysis to the objective of assessment and diagnosis in order to overcome limits and gaps observable in current practices. Since we have to know where we come from as well as how we will give meaning to what we find, we need to have a closer look at this central dimension of assessment and how it relates to the governance models – not to blindly repeat previous notions, but to understand

how and why this process of giving meaning is crucial with respect to refining our diagnostic capacity in view of dealing with the results of the applied field.

### **3.4 Governance typology, patterns, models and assessment**

As might be all too obvious by now, governance approaches fall into various forms, as shown by empirical research and as conceptualised by theoreticians, and as elaborated in previous deliverables.<sup>30</sup> Each of these forms contains certain presuppositions that condition their potential, including their normative potential. Tools, models, patterns and paradigms suffer from limitations owing to their presuppositions. Briefly, and to pre-empt, each makes – following the wording of Lenoble & Maesschalck – mentalist, intentionalist and schematising presuppositions that undermine their usefulness in establishing reflexivity. Moreover, each occurs within an overarching theoretical context wherein reason is assumed to be a sufficient reason for actors to make changes in their behaviour. In order to develop an understanding of these issues, it will be informative here to draw upon the work undertaken in WP1 in order to pin down fundamental elements of governance approaches before analysing them to determine their limitations, potentially in order to draw results for a means to overcome these limits.

The central purpose of Deliverable 3.2 is to illuminate the theoretical and methodological background developed so far and to account for the empirical findings in relation to this background, especially in view of a model / models of CSO participation connected to an initial determination of the dominant governance typology.<sup>31</sup> As explained in Deliverable 1.4., this typology will be inferred on the basis of the relevant information related to the cases in view of the kind of institutional arrangements that are primarily being deployed against the background of the parameters of the Analytical Grid. It is thus a central way of connecting the core elements of the Analytical Grid and guides everything which follows, supporting a coherent line of reasoning from the initial theoretical framing up to the final policy guidelines and recommendations, which should be conceptually and empirically

<sup>30</sup>Pierre-Benoît, J. (2001). 'Les OGM entre la science et le public? Quatre modèles pour la gouvernance de l'innovation et des risques,' *Économie Rurale*, Vol. 266, pp. 11-29; Rainey, S., & Goujon, P. (2012). *Theoretical Landscape*. CONSIDER Project, Deliverable 1.2; Lavelle, S. (2013). 'Paradigms of Governance: From Technology to Democracy.' In F. Doridot, P. Goujon, P. Duquenoy, A. Kurt, S. Lavelle, N. Patrignani, S. Rainey, & A. Santuccio (Eds.), *Ethical Governance of Emerging Technologies Development* [134-157]. Hershey, PA: IGI Global; Sabel, C., & Zeitlin, J. *New Architecture of Experimental Governance*, Eurogov, No. C-07-02; Smismans, S. (2005). 'Reflexive law in support of directly deliberative polyarchy: reflexive-deliberative polyarchy as a normative frame for the OMC,' in O. De Schutter & S. Deakin (Eds.), *Social Rights and Market Forces: Is the Open Coordination of Employment and Social Policies the Future of Social Europe?* Brussels: Bruylant; Smismans, S. (2006). *Reviewing normative theories on civil society participation*, NewGov Project, University of Trento, cf.

[http://www.eu-newgov.org/datalists/deliverables\\_detail.asp?Project\\_ID=11](http://www.eu-newgov.org/datalists/deliverables_detail.asp?Project_ID=11).

<sup>31</sup>Due to a delay in the delivery of the empirical findings, within the limits of this deliverable we cannot go any further than to illuminate how to *approach* the results and how to *interpret* them.

grounded and coherent in order to be relevant. In other words, it is impossible to detect blind spots, gaps, and limitations (and as a consequence to develop hypotheses and models) without reference to a normative background which provides the means for assessment, i.e. a diagnostic tool.

In sum, **the determination of the typology essentially relates to both the Analytical Grid and the model of governance that we can infer from the empirical ‘information’ we have about the cases, connecting the two.** Next steps will allow deepening this characterisation and compare the different cases in this regard, looking for systematic patterns and typology recurrences.

The general 4 typologies, as elaborated in the Deliverable 1.3<sup>32</sup>, drawing upon Deliverable 1.2, and as connected with the analysis of data in Deliverable 1.4, are:

- The **Standard Model**,
- The **Revised Standard Model**,
- The **Democratic-Inclusive (Consultation) Model**, and
- The **Co-constructive Model**.

In the Analytical Grid (Deliverable 1.3), we made the following sketch related to these four main models, which is not so much a theoretical elaboration, but a very practical tool for applied analysis, since CSO participation is intimately intertwined with specific modes of governance:

<i>What is the governance approach used in the research?</i>	
<b>Dimension</b>	<b>Explanation</b>
<b>Standard Model</b>	The Standard Model presents a traditional top-down approach, which is based on the knowledge of experts. Normativity here comes from the knowledge and opinions of the experts involved in the decision-making. In this model, the disagreements between the experts and the public are perceived as irrational due to the non-expert's lack of knowledge. There are various reasons for the public being considered irrational, such as cognitive bias, the lack of comprehension of technical subjects, and aversion to novelties and risk. This model fits perfectly into the classical distinctions between facts and values. Experts have an objective ethical approach to risk whereas the risks perceived by the public are marked by a greater degree of subjectivity.
<b>Revised Standard</b>	In this model, which is the extension of the standard model, the

<sup>32</sup>Cf. Pierre-Benoît, J. (2001). 'Les OGM entre la science et le public? Quatre modèles pour la gouvernance de l'innovation et des risques,' *Économie Rurale*, Vol. 266, pp. 11-29

<b>Model</b>	emphasis is placed on the interaction between the regulation process, social groups and media. It is assumed that public perception of risk is usually inadequate. Risks are often overestimated; however, the efforts to educate the public about scientific risks are not straightforward. As a result, the public will feel unprotected by law and decision-makers, which will lead to more political pressure to act. The top-down structure remains in place, but with political mediation.
<b>Democratic-Inclusive (Consultation) Model</b>	This model calls into question the fundamental thesis of the standard model, namely the opposition between the irrational public and the rationality of the experts. The distance between experts and non-experts is not connected with the level of knowledge, but with the difference in the perception of risks and goods from research. The public asks wider questions with regard to risk because they are no longer confronted with abstract scientific theoretical risk, but with real risk. It is no longer correct to consider that only experts are rational. Moreover the experts' perception of risk takes into account their connections with industry and commercial interests etc.
<b>Co-constructive Model</b>	This model distinguishes itself by questioning the way in which expertise is employed. The works of the new sociology of sciences have progressively come to blame the traditional conception of science as a revelation of universal, independent truths of the social system they produce. Top-down governance disappears as a horizontal nature enters, concerned with permitting voices to be heard on every aspect of research: from problem-setting, through methodology, to uses of outcomes.

**Figure 2: Governance dimensions and explanation**

Referring again to Deliverable 1.4, these models can gain content by fleshing out the empirical material of the pilot cases, in line with what was collectively decided during the London CONSIDER methodological research meeting. So each individual case can be identified with one dominant model of governance, which should be explained and justified in each relevant cell, in due respect to the common agreement in London and in order to stay faithful to the integrity and coherence of the research project.

	<b>Standard Governance Model</b>	<b>Revised Standard Governance Model</b>	<b>Democratic-Inclusive Governance Model</b>	<b>Co-constructive Governance Model</b>
<b>Case Study 1</b>			E.g. reduction of participation to consultation	
<b>Case Study 2</b>				



<b>Case Study 3</b>				
<b>Etc.</b>				

This initial screening is crucial, since every case will predominantly relate to a specific kind of governance, which also implies a relationship to a particular kind of norm construction and specific epistemological tools. The analytical and practical purpose is to enable the next step, which involves a deepening of the analysis and relating each case in a more thorough way to the parameters of the Analytical Grid.

## 4 The Analytical Grid as a diagnostic tool

### 4.1 From Grid to Grid

Our initial Analytical Grid as elaborated in Deliverable 1.3 looks as follows, based on a research question that in the meantime has been slightly adapted and reworked:

<i>How do actors define and reach their expectations related to defining public interest when constructing norms in research projects?</i>				
<b>Norms &amp; Values</b>	What norms? Whose?	What values? Whose?	Presupposed, ignored, excluded, constructed?	
<b>Expectations</b>	Of researchers	Of CSO participants	Of funders/ and other stakeholders	
<b>Governance approach</b>	Hierarchical, consultation, co-construction?	Aggregative, deliberative, dialogical?		
<b>Public interest</b>	Cui bono? (Who benefits?)	How is it <i>progress</i> rather than simple sectorial advance?	Capacitation <sup>33</sup>	
<b>Means of expressing interests</b>	Mode of participation? Dialogue? Round table, focus group, questionnaire?	Impact: when are the means deployed – start, during, end, throughout?	Open ended or discrete?	Conflict resolution mechanism?
<b>Research and its background</b>	Funding source, aims, intentions?	Political context (widely construed).	CSO involvement <i>for what?</i>	

Figure 2: The Analytical Grid

As has been extensively discussed in previous work, the Analytical Grid essentially revolves around an approach to account for norms and context, and is, consequently, a means to assess and analyse values and perspectives in (re)constructing governance injunctions in CSO participation in research. At the same time, in its relation to and enrichment by the empirical information, this approach can be seen as a comprehensive way to overcome the limits of existing governance approaches

<sup>33</sup> 'Capacitation' here is used as a broad term alluding to the Louvain school as discussed in Deliverable D1.2. It is related to learning, the general ability and disposition to assess and evaluate norms. Other terms, such as 'empowerment', are relevant, but do not capture the generality here in that being empowered in a context implies that this context is being known. Knowledge of the context in this sense is part of our exploration.

within European CSO involvement in research design, while being susceptible to further refinement and more extensive elaboration as a consequence of the way in which data emerge in the case studies.

Along the same line of reasoning, this also reminds us of how in Deliverable 1.4 we conceived of the convergence between the grid of analysis (based on the theoretical background, or the explicitly *normative approach* in general) on the one hand, and the empirical 'facts' as emerging from the case study analyses on the other. This can be visualised as follows:



**Figure 3: Inference of patterns, exemplifying the convergence between theory and data analysis**

In terms of governance, we are dealing here with the institutional and organisational conditions that the procedures and modes of assessment must fulfil in order for a common normative orientation to be adopted. In that capacity, it can also be a useful tool which allows to develop guidelines and recommendations making it possible to avoid disabling normative clashes in the context of CSO participation in research governance, among others between researchers and CSO representatives. In this light, the central role of perspectives and expectations immediately comes to mind, the presuppositions of which will be crucial for the way in which the process lacks sufficient effectiveness and/or legitimacy. These presuppositions at work are partly why classical proceduralism does not adequately address problems raised in current CSO participation in European (and other) research, since they give rise to a blind spot vis-à-vis the relationship between norms and contexts. The Analytical Grid as well as the grid-based questionnaire, anchored in theoretical work and constructed to support our research, focus on questions related to the effectiveness of normative orientations and horizons in CSO participation, in view of the conditions of their emergence and production and their actual implementation in particular social

contexts. This brings us back to the distinction between the three presuppositions as developed by Lenoble & Maesschalck:

<b>Intentionalist Presupposition</b>	<b>Schematising Presupposition</b>	<b>Mentalist Presupposition</b>
The norms' effects are supposed to be deducible from the simple intention to adopt the norm. Additionally, we find the implicit presupposition that an actor will have full capacity and intention to contribute in the discussion when involved in a participatory approach.	The norms' application is a simple formal deductive reasoning on the basis of rules themselves. The determination of the norm is linked to these rules, such as ethical guidelines, laws, or other schemes, which are considered to predetermine the effect and therefore the application of a norm. External constraints are not taken into account.	The norms' application is deduced from an imaginary set of rules (scheme) that the mind is supposed to have. Also here the context does not play any active role and a process 'interruption' is considered as the expression of irrational attitudes or behaviours.

**Figure 3: Normativity and value complexity as exemplified by presuppositions**

## **4.2 Disentangling presuppositions**

By disentangling various presuppositions and assumptions at work in the analysis of CSO participation in research design and in the case studies, we can deploy a reflexive methodology to conceive of governance arrangements and regulatory frameworks that allow for a proactive and comprehensive position both in research planning and the elaboration of policy guidelines and recommendations. In addition, the analytical material gained within this approach can provide substantial and appropriate insights for training and support for researchers, civil society actors and policy-makers, while also enabling possibilities to build bridges between them. In this regard, we will see that any kind of dialogue and deliberation will have to be predicated on a basis that goes beyond a solely argumentative proceduralism and pays sufficient attention to processes and conditions that lead to an understanding of public or common interests. This also means that the approach which yields the recommendations is itself part of those recommendations, since it is exemplary for the way to overcome contextual limitations, gaps and blind spots. To that extent, the approach is itself indicative of the conditions that have to be fulfilled by the meta-procedural tools that will be the final result in view of our objective to find more adequate ways to engage civil society in research design and research governance.

So, while a vital element of interest within CONSIDER (e.g. cf. Deliverable 1.4) concerns the determination and the assessment of the limitations and the effectiveness of implementation of the different existing approaches in current CSO participation in research, there is also the injunction to illuminate underlying enabling

features and conditions in view of a more reflexive understanding of the central dynamics which are the object of our inquiry. Put differently, in order to get a clearer view of effective modes of deliberation and participation related to CSO involvement in research, we above all have **to detect the structures, built-in constraints, unquestioned framings, sectorial interests and power relations that disable the emergence of proper reflexivity**. One of the dimensions which is of vital importance in this regard, is an adequate account of the position, perspectives and self-understanding of actors *qua* actors, and how this relates to their context and their conception of their own possibilities.

As we have seen, this approach, and as a consequence our diagnostic exercise, will have to move beyond the suppressed assumption that argumentative rationality, the rationality of deductive reasoning, is the highest, or best, or most desirable or important form of rationality. The reason for this is that this assumption carries with it the unjustified conviction that valid arguments rooted in deductive reasoning are themselves reasons to act. In the context of real life dynamics, and the understanding of actors as incarnated and embedded beings which are not primarily motivated by deductive analysis, one can easily accept that an argument is valid but refuse to adopt it as a reason to act, which on the form of it could be seen as a performative contradiction but is nevertheless common practice in relation to why people do what they do.

This is indicative of the fact that reasons other than deductive reasons *motivate*, and that in view of our analysis of CSO involvement in research, we will have to illuminate as far as possible the complex webs of self-understandings and how these are exemplified by mental and contextual conditions (cf. beliefs, history, promises, values, (sub)culture, self-interest, sectorial advantage, hopes, identities, expectations, conditionings, etc.). Against this background, we can see that presuppositions and assumptions of all kinds blight any attempt to understand the perspectives of CSO actors and researchers engaged in research governance (and design) approaches from either the governing or governed perspective. Accordingly, we need a keen eye to discern how presuppositions and assumptions behind governance approaches inhibit the construction and understanding of contexts and the mode of rationality which is supposed to be universally valid and effective in all contexts, and which can succinctly be described as *argumentative rationality*.

This is why the Analytical Grid is a useful point of departure to move towards addressing the issues concerned in a way that is not merely *ad hoc*, but rather is grounded in a coherent theoretical approach, in order to improve the effectiveness of measures affect CSO participation in research in a positive way. In this way, we intend to enable an account of institutional and organisational conditions that the procedures of assessment (cf. diagnostics) must fulfil so that we can arrive at a governance approach that is suitable to address and assess the central issues at stake here in view of the complexity and pluralistic nature of contemporary societies,



characterised by a multitude of normative orientations. So the Analytical Grid is not only useful from a theoretical point of view, but is also a useful tool for the interpretation of data and thus for the applied research. As data as such are ‘just data’, and cases are ‘just cases’, in order to make meaningful use of them, we are in need of a framing so we can come up with grounded findings – apart from the self-evident fact that analysing data in the presupposition that you can look at them ‘as they are’, without framing, is obviously absurd as it ignores the fact that we are always imbibed with background framings and presuppositions anyway. So in terms of scientific credibility, it is desirable to be aware of this epistemological fact and to anchor our empirical analysis in an explicit and coherent normative framing (way of looking), which has been provided in WP 1.

Therefore, the parameters of the Analytical Grid can be used as a diagnostic means to transcend classical procedural trends that have emerged as a response to the need “to provide some rational justifications to the rules, actions and decisions to be adopted or made by the society or the power in the context of highly ‘plural-complex-developed’ societies”<sup>34</sup>, as stated by Lavelle and Rainey. These authors also state that “what the objective facts mean for a given actor will be contingent upon their judgement of what the broader context is. In fact ‘broader context’, is used here to distinguish between the narrow description of elements of a scene and the relevance of that scene in the consciousness of the subjects to whom those elements are addressed is something of an artifice – *the broader context is the context* in the sense we need to use it.”<sup>35</sup>

This is another way of saying that “one’s perceptions of elements of context are members of a set entailed by particular theoretical presuppositions; they are symptoms of a framing linked via informal inferential connections to beliefs. Hence, there are no cognitively significant representations of one’s predicament untouched by background theory, and in any and every use of reason whatsoever there is contained within it implicit reference to background. Neutrality in the sense seemingly required by the prevailing presumption is thus impossible and the ‘background theory’ that appears in the course of judgements makes essential reference to the values of the individual.”<sup>36</sup> So, in order to take into account context, which is one of the central challenges in a diagnostic use of the Analytical Grid, we have to take into account the processes of norm validation (and enactment) in relation “all the mental-social-

<sup>34</sup> Lavelle, S., & Rainey, S. (2013). ‘Transformation of Proceduralism from Contextual to Comprehensive.’ In F. Doridot, P. Goujon, P. Duquenoy, A. Kurt, S. Lavelle, N. Patrignani, S. Rainey, & A. Santuccio (Eds.), *Ethical Governance of Emerging Technologies Development* [312-343]. Hershey, PA: IGI Global, 312.

<sup>35</sup> *Idem*, 316.

<sup>36</sup> *Idem*, 318.



cultural' background features that enable an individual or a community to give meaning and significance to norms within a situation or an environment."<sup>37</sup>

As the parameters of the Analytical Grid are based both on theoretical understanding and actual projects taking place in Europe<sup>38</sup>, they are crucial points of reference to illuminate the context and the way in which it relates to processes of 'producing' or engendering *meaning* and *significance* for actors – and as a consequence also for 'data' – and how these relate to (as can be inferred from the table on page 35), among others: norms and values, expectations, governance approach, public interest, means of expressing interests and research and its background.

In order to pick up with the more recent version of the parameters, as elaborated on page 33 of Deliverable 1.4, it might make sense to bring to mind again the scheme that is more in line with how the project has evolved after the development of the Analytical Grid and in close relation with the process of data analysis by the respective partners of the CONSIDER consortium, against the background of the challenge to characterise the type of governance that is at stake:

### **Case Study 1**

	<b>Dominant Governance Typology</b>
<b>Norms &amp; Values</b>	Explain how the empirical content relates to the parameter
<b>Respective expectations about CSO involvement</b>	Etc.
<b>Governance approach and procedures</b>	
<b>Public interest / main beneficiaries</b>	

<sup>37</sup> *Idem*. On the same page, they emphasise the fact that this requires "a special kind of reflexive equilibrium between the 'foreground' of the discursive justification and the 'background' of the evolutionary life-forms."

<sup>38</sup> See e.g.: Smismans, S. (2005). 'Reflexive law in support of directly deliberative polyarchy: reflexive-deliberative polyarchy as a normative frame for the OMC,' in O. De Schutter and S. Deakin (Eds.), *Social Rights and Market Forces: Is the Open Coordination of Employment and Social Policies the Future of Social Europe?* Brussels: Bruylant; Steffek, J., & Smismans, S. (2008). *Civil Society Participation in European Governance*, NewGov Project, University of Bremen; Gall, E., Millot, G., & Neubauer, C. (2009). *Participation of Civil Society Organisations in Research. Final Report*, p.12; Gerstenberg, O. (1997). 'Law's Polyarchy: A Comment on Cohen and Sabel,' *European Law Journal*, Vol. 3, pp. 343–358, 1997; Smismans, S. (2006). *Reviewing normative theories on civil society participation*, NewGov Project, University of Trento, cf. [http://www.eu-newgov.org/datalists/deliverables\\_detail.asp?Project\\_ID=11](http://www.eu-newgov.org/datalists/deliverables_detail.asp?Project_ID=11); Smismans, S. (2008). *Comparing two policy areas of European policy-making from the normative perspective of reflexive-deliberative polyarchy*, NewGov Project, University of Trento, cf. [http://www.eu-newgov.org/database/DELIV/D11D08\\_Article\\_on\\_two\\_policy\\_areas\\_of\\_European\\_policy-making.pdf](http://www.eu-newgov.org/database/DELIV/D11D08_Article_on_two_policy_areas_of_European_policy-making.pdf).

<b>Means of expressing interests</b>	
<b>Modes of communication</b>	
<b>Research and its background</b>	
<b>Timing of CSO participation during the project</b>	
<b>Context</b>	
<b>Tool</b>	

Against this conceptual and schematic background, and within the obvious limits in terms of the availability of data (the case study analyses still being in the process of being finalised and no synthesis or interpretation of these so-called ‘data’ available at this stage), we can now attempt to exemplify how all this applies to a number of case studies that have been developed recently, albeit on a strictly descriptive level and as a consequence with clear constraints in view of *significance* and *meaning* in accordance with the broader theoretical and conceptual framework. Nevertheless, this schematisation could be a fruitful exercise in making an actual and practical connection between the normative approach as unfolded so far on the one hand and the everyday practice of case study analysis on the other, even though their *rapprochement* might never have been immediately straightforward.

### 4.3 **CONSIDER Case Studies revisited grid-fashion**

	<b>LU – Case Study G</b>	<b>DMU – Case Study Brain Computer Interfaces</b>	<b>EN – Case Study A</b>
<b>Governance Model (primarily)</b>	Standard Model	Standard Model	Standard Model / Revised Standard Model
	The role of CSO limited to assisting with data collection and dissemination of results	Very heavy emphasis on scientific added value without seriously taking into account values and expectations of patients	Public interest and interest in the project vary according to the different work packages  All work package leaders are given a great degree of autonomy within their WPs
	Partnership between CSO and research = particularly tenuous since the NGO was only involved after the research	Patients instrumentalised in order to establish contact with end user community	Conflict resolution strategy has been embedded in the project proposal in relation to joint decision making and



	project was formulated	Strong discrepancy between satisfaction of researchers and satisfaction of member of patient organisation	mediation
<b>Conclusion</b>	<p>Top-down model of CSO involvement</p> <p>Absence of CSO in research design</p> <p>The self-referentiality of subsystems is maintained</p> <p>Norms' effects are supposed to be deducible from the simple intention to adopt the norm cf. expert-dominated exclusion of contextual appreciation</p>	<p>Conditions of norm construction are entirely determined by scientific (expert) community = heavy asymmetry in decision-making process and research design participation</p> <p>Determination of norm is linked to scientific normative orientations (schematising presupposition)</p> <p>Context excluded, except for the self-interest of the researchers</p>	Project has internal and external evaluation mechanisms

This is an embryonic and unfinished way to sketch what we have in mind when we think about the way to go – in step by step fashion, and in line with the methodological part of Deliverable 1.4 – to gradually become more and more specific and make the shift from patterns, via characterisations, to models. At the same time, the very aim of this deliverable, as described in the DOW, should be kept in mind:

*“The grid developed in task 3.1 will be applied to the practices identified in WP2, and validated against selected case studies. The appropriateness and gaps in existing theories will be assessed, and analysis will be conducted of the practical role of theory in participation practices, in an attempt to align the impact of participation with the approaches and methods employed. It is expected that practical applications can be categorised in terms of the existing theories even if there is no explicit theory underlying instances of practical participation (i.e. if these are based on non-scientifically based concepts of participation). The development of synthesis, model and guidelines will be an iterative process. The starting point will be an assessment of the appropriateness and an identification of gaps in current CSO governance theory as identified and analysed in WP1. The model will involve critical variables identified in WP1 and use these to analyse the empirical data resulting from WP2 with the aim of identifying matches and mismatches between theory and participatory practice. The critical variables are important parameters relevant to assessing CSO participation, i.e. those variables that are likely to form the basis of the assessment of the adequacy of current practices in the light of the theoretical bases they are (explicitly or not) founded upon. the selection of research topics; decision-making on research directions; the actual development of research; development of applications etc.; the participation type (active involvement, consultation etc.); the treatment of*

*knowledge gained through participation; content of the consultation; form of organisation; and the actual topic of the project involved.*<sup>39</sup>

It is thus of crucial importance, as foreseen, not to lose track of the very rationale of the CONSIDER project, and as a consequence to pay proper heed to the relationship between the work of WP1 on the one hand and the way in which the empirical data will be framed, interpreted, and related to the requirement of assessment as described above. That is why the Analytical Grid plays, at this stage of the project, a central role not only as an analytical tool, but above all as a *diagnostic* tool. Therefore, the convergence of (put simply) theory and practice, the coherence of the CONSIDER research trajectory as a whole, and the soundness of our recommendations and policy guidelines, will largely depend on the connection between, on the one hand, the ‘assessment of the appropriateness and an identification of gaps in current CSO governance theory as identified and analysed in WP1’ (cf. supra) and, on the other hand, ‘the empirical data resulting from WP2 with the aim of identifying matches and mismatches between theory and participatory practice’ (idem).

Accordingly, each dominant governance typology per case and the application of each parameter has to be related to the presuppositions, which requires knowledge of the Theoretical Background of the project as well as the Analytical Grid. In order to apply each presupposition to the specific parameters, which can also be ‘crossed’ with governance models, we can use the following visual schematisation as an exemplification of this step in the analytical process:

### **Case 1**

	<b>Intentionalist Presupposition</b>  <b>Cf. dominant governance typology in</b>  <b>LU – Case Study G</b>	<b>Schematising Presupposition</b>  <b>Cf. dominant governance typology in</b>  <b>LU – Case Study G</b>	<b>Mentalist Presupposition</b>  <b>Cf. dominant governance typology in</b>  <b>LU – Case Study G</b>
<b>Norms and values</b>	Explain HOW it reflects an intentionalist presupposition	Etc.	
<b>Respective expectations about CSO involvement</b>	Etc.		
<b>Governance approach and procedures</b>			

<sup>39</sup> Work package description of WT 3, CONSIDER DOW, p. 10.

<b>Public interest / main beneficiaries</b>			
<b>Means of expressing interests</b>			
<b>Research and its background</b>			
<b>Modes of communication</b>			
<b>Timing of CSO participation during the project</b>			
<b>Context</b>			
<b>Tool</b>			

## **Case 2**

	<b>Intentionalist Presupposition</b> <b>Cf. dominant governance typology in</b> <b>EN – Case Study A</b>	<b>Schematising Presupposition</b> <b>Cf. dominant governance typology in</b> <b>EN – Case Study A</b>	<b>Mentalist Presupposition</b> <b>Cf. dominant governance typology in</b> <b>EN – Case Study A</b>
<b>Norms and values</b>	Explain HOW it reflects an intentionalist presupposition	Etc.	
<b>Respective expectations about CSO involvement</b>	Etc.		
<b>Governance approach and procedures</b>			
<b>Public interest / main beneficiaries</b>			
<b>Means of expressing interests</b>			
<b>Research and its background</b>			
<b>Modes of communication</b>			
<b>Timing of CSO participation during</b>			



<b>the project</b>			
<b>Context</b>			
<b>Tool</b>			

Etc.

The consequence of this analysis is that it allows for a clear **characterisation** and **specification** of the cases, in terms of the implications of the predominant governance model and the parameter specification, which is in line with the overall aim of the project and the European research call to which it was a response. Accordingly, it is a vital embodiment of tasks enlisted in the DOW and a necessary step in order to arrive at a clear assessment and diagnosis, which will be the ground for the development of models as well as relevant policy guidelines and recommendations.

In terms of a synthesis and a diagnostic overview, the table below could be a means to put most separate aspects and descriptions together, not in the least also as an exercise to bring these descriptions in line with the scheme that was developed during the methodological meeting in Brussels on the 5<sup>th</sup> of December, in view of a more general classification and model building throughout the distinct cases.

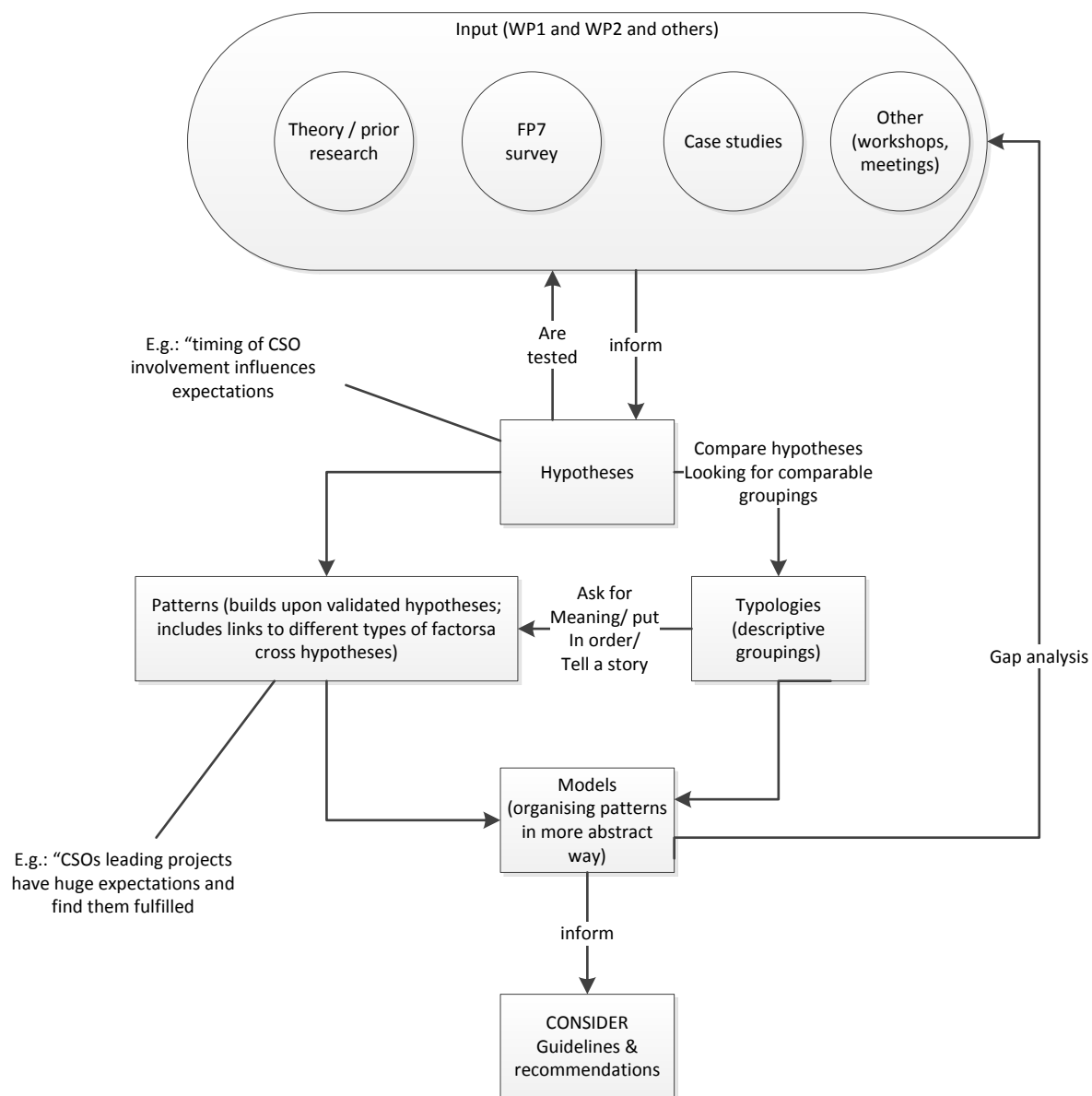
	<b>Case Study 1</b>	<b>Case Study 2</b>	<b>Etc.</b>
<b>General characterisation</b>			
<b>Dominant governance model</b>			
<b>Conclusion in terms of gaps and limits</b>			
<i>remarks</i>			
<b>Participation / deliberation structure</b>			
<i>Norms and values</i>			
<i>Respective expectations about CSO involvement</i>			
<i>Governance approach and procedures</i>			
<i>Public interest / main beneficiaries</i>			
<i>Means of expressing interests</i>			





<i>Research and its background</i>			
<i>Modes of communication</i>			
<i>Timing of CSO participation during the project</i>			
<i>Context</i>			
<i>Tool</i>			
<b>Characterisation in terms of main presuppositions</b>			
<b>Relation to hypotheses</b>			
<b>Relates to which other cases in terms of typologies / descriptive groupings?</b>			

For practical reasons, it might be useful to use an Excel sheet to actually do this elaboration, even though one might just as well make a number of different tables. Even if one does not fill in every box of the table or does not follow this proposed scheme in a very strict fashion, we believe that sticking to the main spirit of this exercise will turn out to be an unavoidable step to take if one wants to make the Brussels' scheme work, which we will repeat once more as a reminder. In other words, also if one does not (exhaustively) agree with the previous suggestions, if we want to follow the DOW, the table below (and what it implies in terms of approach) will have to meet them somewhere or somehow, as they were the object of collective decision and acceptance, and the same goes for the table below (for all those who were present during the Brussels methodological meeting).



## 5 Picking up with the survey results

As an additional layer of analytical input, we will, in what follows, recap in edited fashion some of the main survey results as produced by the University of Lille 2, which, combined with the previous exercise concerning how to approach the initial case studies, might bring us a step further as for convergence between theory and empirical results as well as in relation to some more general and pertinent diagnostic and critique/assessment of the whole debate about deliberation and participation in connection with CSO involvement in research design. Consequently, it can also function as a mental exercise to bring together the schemes depicted in the previous pages. By the same token, this is an account of reflexive governance on both the case study level and in view of the parameters and diagnostic capacity of the Analytical Grid.

Reflexive governance supposes that a device or tool of democratic research governance must enable the conditions of possibility for the involvement of civil society actors as well as the conditions for a reflexivity and a capacitation which CSO actors and stakeholders can develop during the participatory process.

### 5.1 *The technical democracy model's limits*

CONSIDER also addresses the technical democracy paradigm and its limits. Latour suggests that the translation process from expert knowledge to lay people is central, as it opposes the delegative model which is based on a double delegation (to the experts and to the representatives). According to Maesschalck and Lenoble, Latour's work is characterised by a 'Bourdieuian implicit assumption', as his methodological choices concerning the actors' network fluidity underestimate the habitus' rigid settings. A more structural approach might be helpful in order to construe the social asymmetries inside participatory settings.

In Callon's article about the technical democracy models (2001), the author defines three main levels of interaction:

- The 'public instruction' model,
- The public debate model, and
- The knowledge co-production model.

We (Legris Revel, 2013) want to emphasise the limits of this model, concerning three main points. Firstly, it is an approach too irenic of the technical democracy. Secondly, it is characterised by a strongly proceduralistic prism. Thirdly, it maintains a conception of individual identities which is too loose. The growing call for the use of

knowledge, for the common sense, for the diffusion of professional knowledge, for the expertise by delegation, for independent expertise, and for the political knowledge (Sintomer,2008)shows the variety of knowledge to be considered in a research project.It thus seems important to consider, beyond the technical democracy, the reflexive and epistemic governance which concerns the co-production of knowledge, constituting the conditions of a technical democracy.

From that we can derive four main patterns of CSO participation in research projects: the 'standard model of CSOs participation', the 'dialogical model of CSO participation', the 'co-construction model of CSO participation', and finally the 'functional model of CSOs participation'. These four patterns will be described in the following part.

We will now summarise the patterns observed in survey 1 and 2 (all results are presented in D2.2). So it concerns two different surveys. The first one was sent to 14,000 FP7 project coordinators, and we received 2,959 completed responses. Our response rate is 21 %, which is good. Then 414 out of the 455 FP7 coordinators, who acknowledged that there was CSO participation in their research project and agreed to further participate to the survey, were sent a second questionnaire, and we received 162 completed responses.

## **5.2 Part 1: a positivist vision of science**

The standard model of science is dominant in the responses we got in survey 1. It is “a traditional top-down approach, which is based on the knowledge of experts. Normativity here comes from the knowledge and opinions of the experts involved in the decision-making.” (Deliverable 1.3, p. 15).

CSOs involvement in research is still embedded in a rather classical normative setting of research as to their attributed role. FP7 projects have certain characteristics (length, international collaboration, funding scheme, evaluation, etc.) which frame the working and communication context of each research team.

CSO roles are perceived as being fundamental when they give their expertise and when they disseminate the project results and guidelines. Expertise here is not coming from lay people, as we underlined in our sample description that CSO members who answered our questionnaire are well-educated and skilled in research projects. CSO members' added value seems to help the research project to get more context-related expertise and knowledge, relevant for policy needs or other beneficiaries' (patients, children, etc.) needs. There is a clash among academic

institutions and CSO members in terms of the perception of the role of CSOs.<sup>40</sup> Their mutual representation of CSO roles differs when considering CSO involvement in the project. According to CSO members' responses, CSOs are initiators of the project more often than project coordinators acknowledge them to be (50 % / 19 % responses). Also, CSO members claim to be advisory board members more usually than PCs mention they are (50 % / 29 %). This indicates a tendency for project coordinators to assign a more passive role in the project to CSO members, which does not seem to suit the way in which CSO members reflect on their own initiatives and contribution. These different perceptions of CSO involvement in research activities may indicate a conflict with regard to normative framing about what ought to be CSO role inside the research team.

This conflict is not about their skills, given that we refer to the fact that the first role attributed to CSO members is their expertise. Besides, they seem to be seen as researchers as well (39 % of the PCs agreed on that stance, compared to 33 % of the CSO members). The tasks allocated to other members of the team are setting the research method and policy development, according to both respondent categories. This is more a governance conception discussion: should the project coordinator take the leadership, or should the project governance be more participative?

The CSO role attribution also indicates that CSOs are rarely able to discuss the research project design from its start. Only 30 % of the project coordinators indicate that CSOs are involved from the start of the project. The majority report that they are involved at the planning stage only, which is confirmed by CSO members' responses to the questionnaire (second survey, question 5). They seem to be stuck in a 'slot', in a predetermined format, i.e. to be mainly in a position to discuss an already pre-defined plan. Considering that CSOs claim they are sometimes the initiator of the project (see above), it might be that they are involved during all the whole duration of the project, but that they lose leadership on research agenda setting and research method.

The project governance here is closed down to a functional one, i.e. task division and specialisation among partners, which is supported by an implicit definition of science. Here the interaction is more aggregative than deliberative.

Project coordinators seem to see CSOs *more as end users' representatives than as equal partners*. CSOs rarely define the research method and agenda and are perceived as experts. There might be a norm construction process here about what the CSO members' role and the researchers' role ought to be, as well as about implicit power relations. CSOs are valued for their expertise and their network, which

<sup>40</sup>This reminds us, by the way, of the pivotal distinction in terms of the way *identities* (and, therefore, also *roles*) are – very simply put – both (externally) *ascribed* and at the same time *self-constructed*, which unavoidably gives rise to an endless interdependent intertwinement in a multi-dialogical and pluricausal (intersubjective) process.

will facilitate the dissemination of the results as well as the test of the developments. Nevertheless, they are also invited to the academic conferences and to the meetings of the project. Researchers usually master the project research methodology and problematisation setting.

The decision not to resort to CSOs in one consortium of research is also bound to the funding scheme and to the fact that it is doubtlessly simpler for certain research teams to escape the integration of CSOs.

### **5.3 Part 2: an emerging trend of CSO participation**

In survey 2 we focused on projects including CSOs participation. This section will contain an analysis of the patterns emerging from that type of respondents.

FP7 projects have certain characteristics that frame the working and communication context of each research team, and which reveals some embedded assumptions. It seems to be the case *that CSOs are not thought to be central actors, because there are a few initiative schemes designed for CSO participation*. The research background in terms of research governance tends to be oriented towards the social research model: civil society is consulted about its views on a public policy or research goal owing to its function as a non-state actor 'representing' public concern or interest in that particular issue (cf. D1.3, p. 28).

Among projects involving CSOs, a few calls made CSO participation compulsory (6, 45 %) and only 16.95 % proposed specific incentives for CSOs in the funding scheme. As only 30 % of the projects are benefiting from multi-funding, the Seventh Framework Programme does not seem to be very appealing in terms of CSO involvement in research projects.

There seems to appear another pattern of CSO participation in research projects, as the main expectations are shared among researchers and CSO members. According to both project coordinators and CSO members, the first initial outcome of the project is to enhance scientific knowledge (75 % and 50 %). They are both also keen on policy outcomes.

CSO members expect to enhance scientific knowledge and in doing so might expect to affect the trajectory of a research project. 31 of our 149 teams including CSOs seem to be able to develop a collaborative working organisation and thus might be able to act according to a participative governance model.

When the funding scheme of the project included incentives designed for CSOs (either making their participation compulsory or providing financial incentives for them), CSOs contribute greatly to the project: they are more likely to contribute to the



research agenda setting, they are seen as equal researchers, or they initiate the project.

We can then ask ourselves what the expected final outcomes seem to be in terms of contribution. For CSO members, the final outcomes should primarily enable them to give advice to decision makers (75 %), secondly enhance scientific knowledge, and finally help people not participating to solve a problem. The main beneficiaries are often team members themselves and industry (58 %), and secondly the European commission and its organisation members. Project coordinators expect to enhance scientific knowledge (67 %) and to be able to give advice to decision makers (61 %). Those differences in terms of expectations are important, and show that CSO members expect to enhance scientific knowledge and in doing so might expect to affect the trajectory of a research project. The research background might also give sense to those data, in a drive to include more CSOs within the projects.

CSOs members are also pointing at the industry and the European Commission as central beneficiaries of their research project outcomes. Their expectations are more often related to providing a contribution to societal needs in comparison with the PCs. They both (PC and CSOs) consider it to be of great importance to be able to contribute to or to influence decision making processes. These points would need further investigation during the case study analyses.

CSO members are less confident in the project's capacity to reach its objectives. Only 25 % (against 72 % of PCs) think the objectives of the project have been or are likely to be achieved.

#### **5.4 Part 3 a few typologies coming from FP7 survey**

From our surveys, a first element of information is about the type of CSOs implied in FP7 research projects who did respond to our inquiry.

On the side of civil society type organisations, due to the need for high professionalisation required to effectively take part in EU policy processes, there is a clear bias towards CSOs rather than less organised grass-root movements (Kohler-Koch and Buth, 2011; Saurugger, 2006). In a nutshell, in our surveys we found ***that the dominant mode of participation in the FP7 research projects privileges an institutionalised professional type of civil society and supports the creation of such CSOs***. This creates a certain dilemma, because, in turn, professionalisation limits the bottom-up character of grass-roots activists, including movements in opposition to public authorities, which are, however, essential features of civil society if it is to fulfill a legitimizing and communicative role.

Project coordinators and CSO members are skilled and experienced. The median research experience is 19 years for both of them. They hold PhDs for 62 % of the project coordinators and 50 % of the CSO members. They are 50 years old (median); some 30 % are 40 years old and less (the youngest project coordinator is 27 years old, the youngest member of a CSO is 30 years old). There is a majority of male project coordinators (67 %). The CSO members' population is more balanced, with still a majority of males among our respondents (52 %). The organisations both primarily belong to the public and non-profit sector. The private sector represents only 16 % of the total number of responses.

Some CSO participation typologies existing in the literature are present in our survey. We made a first typology among our 162 research projects including CSOs along two factors: *collaboration intensity* and *leadership* (scientific or other) of the project.

We obtained four patterns configurations: 1) Low collaborative intensity x scientific leadership, which is called the 'standard model of CSO participation'; 2) High intensity of collaboration x scientific leadership, which is called the 'dialogical model of CSO participation'; 3) High intensity of collaboration x CSOs leadership, which refers to the 'co-construction model of CSO participation'; 4) CSOs leadership x low collaboration intensity, which is called the 'functional model of CSOs participation'.

## 6 Concluding thoughts on diagnostic assessment

### 6.1 *Discerning initial patterns*

In this last section, we evoke some general inferences in terms of an initial pattern recognition, which reflects the move from an itemised description of cases and their governance methods, tools and approaches, towards a picture of general patterns that can be mapped in connection with governance approaches and their efficiency in applying normative orientations within projects (cf. Deliverable 1.4). If we attempt to form ourselves an embryonic idea of patterns emerging from data (as, among others, discussed in the previous section), the provisional data demonstrate that:

**1)** The majority of projects and the tools they use show the characteristics of the Standard Model of governance, with a tendency toward decontextualisation of the relationship between norms / normative orientations and context, with the three presuppositions in the background, and experts (i.e. academic researchers) being at the centre of the design and steering process of the project, with a very limited voice for CSOs in terms of being part of the very conception and later (research) coordination throughout the process.

**2)** The second type of governance tools can be categorised under the Revised Standard Model of governance, the majority of which have a relationship to the norm where the context is restricted. CSOs are involved, but since they do not participate in defining the context and the research agenda themselves, tools involving CSOs or stakeholders are justified for the purpose of utilising them as information source for decision-making.

**3)** Very few projects contain elements of the Democratic-Inclusive (Consultation) Model, because the level and nature of the perception of implications and desired outcomes of the research differs between the CSOs and the experts. Tools are mainly used for consultation purposes.

**4)** Up till now, there seem to be no projects with governance tools that fall into the Co-construction Model. This pattern is linked to the democratic paradigm as the idea is a deliberative discussion and participation, and procedures that lead to the open-definition of risk by all the stakeholders and areflexivity where an exploratory approach takes place in the construction of the (normative) context by all the stakeholders, e.g. at least the researchers and the CSO representatives.

From the ways in which the tools are used in the elected projects and the reasons behind them, we get the impression that the contextual-normative and technical expertise are separated. The CSOs (or the 'users' or the 'public') seem to be involved



with the project process primarily for consultation purposes about the technology's design or usage, which largely aims to lead to the *social acceptance* of research outcomes, even though we cannot make too general claims at this stage given the very limited availability of interpreted empirical data. In addition, given that 30 case studies is a rather limited number, they should mainly be seen as *exemplifications* of our general analysis. Nevertheless, the analytical process so far apparently demonstrates that norms are constructed under the influence of specific framings (and expectations) strongly related to the academic context. Simply put, and within the constraints mentioned in terms of the limited availability of processed data, the framing (or the cognitive closure) is to a considerable extent connected to the scientific experts without seriously acknowledging the exploration and the construction of the context of values and perspectives as experienced by CSO actors, and without taking into account the consideration of normative orientations of CSO actors in the research design, where the overall the scientific justification of the (sometimes implicit) normative direction is perceived as sufficient for its application throughout the project. This also translates into recurring conflicts with regard to reciprocal expectations and the corresponding dynamic (and friction) concerning the double and ambiguous process of role/identity ascription (external) and affirmation (by actors/institutions themselves).

## 6.2 *Empirical analysis and the process of giving meaning*

Meaning can only be generated to the extent that facts are related to values and normative orientations which provide a sense of direction and 'existential' coherence in the trajectory of a lived life, implying that perspective and contextualisation are crucial. For the same reasons, empirical data or discerned procedures as such do not tell us a lot about how they are perceived and experienced by the actors involved. Accordingly, norms can only be expressed in reality by establishing *reflexivity* on the perceptions of the ways of life that are lived by and accepted by those to whom the norm is addressed. To suppose that the adaptation of the dominant perception and the corresponding ways of life will happen automatically or is directly linked to the simple implementation of a formal mechanism conditioning the acceptability of the norm is misunderstanding this reflexivity.

One of the elements with regard to what is 'missing' – i.e. constituting an epistemological limitation, insufficiency or blind spot – is that we need to acknowledge to a much stronger degree a rather basic step in the process of the production and application of a norm, involving meaning, being the issue of *cognitive framing*. Through this concept, we can highlight the necessary contextualisation of every judgment and how it relies on the recommended routine for an interpretive approach to continually adapt to new contexts. The second stage in this regard is the problem of *reflexivity*, with its related issue, the problem of *capacitation of the actors*. In addition, there is also the requirement that there be an acknowledgement of the



cognitive condition for a normative reflexivity, the determination of the core issues at stake (related to ideal, normative, and contextual constraints), the search for a resolution, and the determination of the solution. (Obviously, this only makes sense to the extent that there is an acknowledgement of the fact that the solution is a solution.)

To feed these rather general reflections into the actual data analysis within CONSIDER, it is vital to *interpret* them in accordance with the normative framing which has grounded and guided the CONSIDER research trajectory, in order to avoid that they just remain an *ad hoc* bunch of atomised and decontextualised ‘facts’ without any significant meaning or informative power. Therefore, it is crucial that the data analysis is framed in correspondence with the step by step approach as elaborated in the second part of Deliverable 1.4 (‘Methodological orientation in moving step by step from the Analytical Grid to pattern and model determination and characterisation’, pages 23-43). In addition, it is required that various templates (following a general structure, with some slight variations) as developed by the different partners of the CONSIDER consortium doing empirical work, are matched with the parameters as they figure in the Analytical Grid (Deliverable 1.3). This will enable the construction of an enlarged and improved version of the Analytical Grid, with a more equilibrated structure of parameters enriched by information garnered from actual and current CSO involvement in European research projects via the data coming from the selected cases. Once more, for the sake of unremitting iterative didactics, the difference between a pattern and a model should be emphasised: **a *pattern* is a description of the characterisation of specific cases; a model, on the other hand, is a classification or typology of common sets of patterns which gradually emerge in the process of interpretation.**

Above all, generating *meaning* involves a grounding and framing of ‘loose facts’ into a coherent way of looking at things, so that we, as human beings or as researchers, have a rationale which allows us to deal with what we come across. In view of converging theory and data analysis within the CONSIDER research project, this process should lead us, via an improved structure of parameters and adequate governance models inferred from the patterns we are able to identify and characterise, to the development of practically relevant and theoretically sound policy recommendations and guidelines. The purpose, in this regard, is to provide recommendations and guidelines which are relevant for a variety of actors, such as the research community, policy and/or decision makers, CSOs, researcher funders and all other kinds of stakeholders which are interested in CSO or ‘public’ involvement in research design and/or governance. Eventually, and on a more general level, it is only to the extent that we can provide meaningful interpretations of our research results, and so meaningful final outcomes in diverse shapes, that we will be able connect with the polity, public interest, or citizenry at large.

### 6.3 *The theory of norm construction and diagnostic assessment: ‘everything is presupposed’*

Our search related to the details and patterns of the empirical data gathered from the selected cases, including the interviews and other available material, has shown us the path leading to the typologies covered above. These typologies are based on data emerging from both field and desktop research, and referring primarily to the models used in the projects and the contexts apparent in relation to the norm driven by the usage of the tools, which was covered in WP1 and Deliverable 3.1.

In the table below, we try to demonstrate the relationships between the models, presuppositions and the context, and how the typologies emerge from this trajectory.

<b>Models</b>	<b>Presuppositions</b>	<b>Context</b>
Standard, Revised Standard	None or Intentionalist, Mentalist, Schematising	Ignored De-contextualised
Standard, Consultation	Intentionalist, Mentalist, Schematising	Ignored De-contextualised
Standard, Revised Standard	Intentionalist, Mentalist, Schematising	De-contextualised Restricted Contextualised
Consultation, Co-construction	Intentionalist, Mentalist, Schematising	Restricted, Contextualised

To put it briefly, this means that the *actor* is presupposed, that *reflexivity* is presupposed, that *legitimation* and *argumentation* are presupposed, and that the *decision* process is presupposed. The diagnosis of these blind spots is of exemplary relevance for the development of recommendations and policy guidelines

In order to detect and overcome the limits of existing CSP participation structures in FP7 research, we will unavoidably be confronted with the challenge of how *values* and *norms*— i.e. *perspectives* – can be permitted in the construction of governance injunctions, as related to the broader norm-context problem. In line with the *comprehensive proceduralism* approach as developed in the EAGIS project<sup>41</sup>, and in view of the central research questions within CONSIDER, this issue requires an assessment of the institutional and organisational conditions that the procedures of assessment must fulfil. It is against the background of this assessment that we can identify and address the presence, absence or degree of modes of governance

<sup>41</sup>See Rainey, S., Goujon, P., Kurt, A., Patrignani, N., Doridot, F., & S. Lavelle. (2009). *New Guidelines Addressing the Problem of Integrating Ethics into Technical Development Projects*. EGAIS, Deliverable 4.3.



that are conducive – or not – to effective and legitimate CSO involvement in research, in accordance with an adequate analysis of how normative orientations and expectations within the project are at play.

Again, as the overcoming of traditional proceduralist approaches requires a keen eye for the ‘blind spots’ vis-à-vis the relationship between norm (construction) and (vital values and perspectives related to) context, the question becomes one of the *effectiveness* of normative injunctions, from their emergence and production to their implementation within a particular social context. To the extent that the empirical data analysis and consequently the case study work of CONSIDER is already indicative of certain patterns, the data show that this effectiveness is rarely, if ever, questioned. If we relate this fact to the literature, we can in similar fashion conclude that theoretical approaches to date implicitly presuppose the conditions that determine the effectiveness of the implementation of the norm to come from cognitive rules (i.e. are a function of mental capacities)<sup>42</sup>, and which are therefore independent of the external context of social / civil society actors involved in research design and/or related processes.

So, if we go back to the central focus of our data analysis methodology as explained in Deliverable D1.4, this lack, or these limits, and the ways to overcome them, demand a clear focus on the relationship between governance arrangements and processes of reflexivity. To put it otherwise, we need a stronger focus on diagnostic modes of assessment of the limitations and the effectiveness of the implementation within the different current approaches that we can discern in the CSO, to which this deliverable has attempted to contribute.

#### **6.4 The transformation of CSO participation and elements of comprehensive proceduralism**

Everything which we described above implies that there are a number of problems related to the very *conception* of CSO participation in research design and research governance. This strongly suggests that in order to *change* and *improve* the current practices and modes of CSO involvement, we will also have to adapt the way we *conceive* of the why and how, and so the very nature of the actual participatory arrangements. As we constantly have to oscillate between theoretical analysis and factual analysis and permanently have to make transversal connections, it is key that we root our applied approach in a coherent conception of how we go about the characterisation and interpretation of case study data. In addition, if we want to improve practice and so change normative horizons and actions, we should take as a central point of departure the *willingness* of the actors and how this relates to

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<sup>42</sup>See also Deliverables D1.2, D1.3 and D1.4.

decision-making processes – because at the end we obviously always arrive at the issue of policy and/or politics.

If we want to develop specific and constructive ideas for improving governance, which asks for setting up a means whereby governance can account for the position of actors and their perspectives and rationale for action, i.e. the way in which they take on normative injunctions and the construction of their context. As a consequence, this means taking into account various aspects of reason, (collective) learning and the mental construction of context, as well as an engagement with situated actors and their beliefs, assumptions, desires and reasons for acting as they do. This is the only way to create commitment in view of a specific normative injunction, systematically connecting agents, e.g. CSO representatives, to their contextual constraints and enablers. This is exactly where comprehensive proceduralism<sup>43</sup> comes in, which aims at developing an account of the construction of agents' context and the principal learning account. For this reason, formalism and narrow rationalism must be overcome as hindrances to an approach that can authentically and adequately account for real perspectives on the way in which CSOs can contribute to research and play a central role in the science-society dialogue.

The problem with the lack of serious CSO involvement at the very beginning and conception stage of research projects, as well as their limited role in steering the research throughout the project, and so the prevailing dominance of the Standard Model or expert top-down approach, is that “expertise, be it philosophical or scientific, as the unquestioned source of normativity in governance, **means that practical significance is played down and the construction of context is absent.**”<sup>44</sup> However understanding how possibilities appear to individuals or actors in context is a major aspect of how governance can work, acknowledging the fundamental epistemological notion of ‘a point of view’, to which no researcher him- or herself is immune. Eventually, it is about comprehending the practical logic of human action, and, in addition, particularly in relation to improving CSO involvement, we should incessantly ask ourselves *who* is a member of the community of collaboration / discussion<sup>45</sup>, *why*, according to which *selection criteria*, and who exactly represents *what*. With this in mind, we can in effect start thinking about more symmetrical modes of co-construction and collaboration, transcend the fact-value

<sup>43</sup>See e.g. :Lavelle, S., & Rainey, S. (2013). ‘Transformation of Proceduralism from Contextual to Comprehensive.’ In F. Doridot, P. Goujon, P. Duquenoy, A. Kurt, S. Lavelle, N. Patrignani, S. Rainey, & A. Santuccio (Eds.), *Ethical Governance of Emerging Technologies Development* [312-343]. Hershey, PA: IGI Global. See also: Rainey, S., Goujon, P., Kurt, A., Patrignani, N., Doridot, F., & S. Lavelle. (2009). *New Guidelines Addressing the Problem of Integrating Ethics into Technical Development Projects*. EGAIS, Deliverable 4.3.

<sup>44</sup>Rainey, S. (2013). Competing Methodologies: Possibilities from a Point of View.’ In F. Doridot, P. Goujon, P. Duquenoy, A. Kurt, S. Lavelle, N. Patrignani, S. Rainey, & A. Santuccio (Eds.), *Ethical Governance of Emerging Technologies Development* [297-311]. Hershey, PA: IGI Global, p. 297.

<sup>45</sup>Cf. Lavelle, S. (2013). ‘Paradigms of Governance: From Technology to Democracy.’ In F. Doridot, P. Goujon, P. Duquenoy, A. Kurt, S. Lavelle, N. Patrignani, S. Rainey, & A. Santuccio (Eds.), *Ethical Governance of Emerging Technologies Development* [134-157]. Hershey, PA: IGI Global, p. 141.



dichotomy, and arrive at more fair and balanced decision-making arrangements which are to equal benefit for everybody involved.



## 7 Next steps

The consortium is currently working on the case study analysis. The next step to be able to analyse empirical data in contexts could be to identify for each case study a kind of “ID card” in order to address questions such as those defined in D 1.4 :

- What does CSO participation contribute to research projects? (e.g. design, agenda setting, research governance, norms, expectations and impacts/results)
- To what extent and how does CSO participation in research projects orient the research agenda towards the public interest?
- What are the conditions for the satisfaction of the normative expectations of CSOs and other stakeholders participating or indirectly involved in research projects?

The tool we can use to undertake this analysis for each case “ID card” could be based on the one proposed on page 43:

<b>Norms &amp; Values</b>
<b>Respective expectations about CSO involvement</b>
<b>Governance approach and procedures</b>
<b>Public interest / main beneficiaries</b>
<b>Means of expressing interests</b>
<b>Modes of communication</b>
<b>Research and its background</b>
<b>Timing of CSO participation during the project</b>
<b>Context</b>
<b>Tool</b>

The pertinent boxes for each case study will be filled in. This will allow for a comparison of FP7 research projects and other kind of research projects. The comparison with other case studies, combined with the quantitative survey results, form the basis of a set of patterns.

Following this, the characterisation (one ID card per case study) will engender a typology, thus allow the grouping of case studies that share characteristics, and will be compared with the governance models. The consortium will analyse if there is a

gap between the explicit norm and the real practices (Argyris, 1995) and finally compare the characterisation with hypotheses.

The final step will be an analysis of the limits of the work, and a definition of models. The models may combine governance models, presuppositions and contexts. This can build on the limits and good practices identified in the case study analysis to suggest improvements and recommendations.

As a result there will be a reasonable equilibrium between normative theory and grounded theory. This will allow the development of a focus on empirical material and the analysis of its characteristics (step 1 and 2). On this basis the literature can be revisited to explore its blind spots and contradictions, allowing the project to ground its recommendations on empirically sound material.



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